

**TITLE 14**  
**Water and Sewers**

This title was most recently updated by the following ordinance:

<b>Ordinance No.</b>	<b>Subject</b>	<b>Effective Date</b>	<b>Code Site</b>
5320	Wastewater Fund	July 15, 2004	Chapter 14.33
5340	Maintenance of Private Sewers	January 6, 2005	Section 14.44.160

**TITLE 14**  
**WATER AND SEWERS**

**Chapter: 14.04 Water Definitions**  
**Chapter: 14.06 Board of Water Commissioners**  
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**Chapter 14.04**  
**WATER DEFINITIONS**

Sections:

**14.04.010 Definitions Generally.**  
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**14.04.030 Consumer.**  
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**14.04.070 Service, Water Service.**  
**14.04.080 Waste.**  
**14.04.090 Water.**  
**14.04.100 Watercourse.**  
**14.04.110 Water Service.**

**14.04.010 Definitions Generally.**

Unless the context shall require otherwise, as used in this title the words defined in this chapter shall have the meanings respectively set out opposite them. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.020 Connection.**

"Connection" means a connection of premises with the City water system. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.030 Consumer.**

"Consumer" means a person or entity who uses water. (Ord. 4558, 1989; Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.040 Customer.**

"Customer" means a person purchasing or receiving water from the City water supply system. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.050 Department.**

"Department" means the City Public Works Department. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.051 Account Holder.**

"Account Holder" means the person or entity responsible for payment for water service at a particular property, as shown in the City's water billing records. (Ord. 4558, 1989.)

**14.04.052 Director.**

"Director" means the Director of the Department of Public Works or his or her designated representative. (Ord. 4558, 1989.)

**14.04.055 Flow Restrictor.**

"Flow Restrictor" means a device for reducing the flow of water through a meter. (Ord. 4558, 1989.)

**14.04.060 Meter.**

"Meter" means a meter furnished by the City and approved for use to measure the amount of City water delivered to a customer. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.070 Service, Water Service.**

"Service" and "Water Service" mean the service and materials furnished by the City in supplying water to a customer including meter, lateral, connectors and labor. It shall also mean the diameter of a connection. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.080 Waste.**

"Waste" means any excessive, unnecessary or unwarranted use of water, including but not limited to any use which causes unnecessary runoff beyond the boundaries of any property as served by its meter and any failure to repair as soon as reasonably possible any leak or rupture in any water pipes, faucets, valves, plumbing fixtures or other water service appliances. (Ord. 4558, 1989; Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.090 Water.**

"Water" means water supplied by the City water supply system. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.100 Watercourse.**

"Watercourse" means and includes streams, creeks, arroyos, gulches, washes and the beds thereof, whether dry or containing water. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

**14.04.110 Water Service.**

See "Service", Section 14.04.070. (Ord. 2931 §2(part), 1963; prior Code §44.1(part).)

## **Chapter 14.06**

### **BOARD OF WATER COMMISSIONERS**

**Section:**

**14.06.010 Board of Water Commissioners - Powers and Duties.**

**14.06.010 Board of Water Commissioners - Powers and Duties.**

The Board of Water Commissioners shall have the same powers and duties regarding the Wastewater Fund as it possesses with respect to the Water Fund pursuant to the provisions of Section 813 of Article VIII of the Charter of the City of Santa Barbara. (Ord. 4533, 1988.)

## Chapter 14.08

### CONNECTIONS, RATES AND CHARGES

#### Sections:

<b>14.08.010</b>	<b>New Connections to Mains - Application Required.</b>	<b>14.08.060</b>	<b>New Connections to Mains - Connections Generally.</b>
<b>14.08.020</b>	<b>New Connections to Mains - Contents of Application.</b>	<b>14.08.070</b>	<b>Fees for Service Relocations.</b>
<b>14.08.030</b>	<b>New Connections to Mains - Fee to Accompany Application.</b>	<b>14.08.080</b>	<b>Service Fees for Meters.</b>
<b>14.08.040</b>	<b>New Connections to Mains - Determination of Meter and Service Size.</b>	<b>14.08.090</b>	<b>Water Service Meter Rates at Premises - Monthly Rates.</b>
<b>14.08.045</b>	<b>Effective Date of Revised Rates.</b>	<b>14.08.095</b>	<b>Customer Service Charge.</b>
<b>14.08.050</b>	<b>New Connections to Mains - Fee Schedule.</b>	<b>14.08.130</b>	<b>Meter Test - Replacing Meter.</b>
		<b>14.08.140</b>	<b>Placement Generally and General Treatment of Meters.</b>

#### **14.08.010 New Connections to Mains - Application Required.**

No new connection for any premises shall be made to City water mains or to City water system unless a written application has been properly filed with the Public Works Department, signed by the owner or his agent, upon forms to be furnished by the Public Works Department. (Ord. 3610 §1, 1973.)

#### **14.08.020 New Connections to Mains - Contents of Application.**

The application form referred to by Section 14.08.010 shall be completely filled out and shall state the following information:

- (1) The location where such connection shall be made;
- (2) That the service pipe is laid to within two feet (2') of the curb line of the street;
- (3) That such service pipe is properly equipped with a shutoff approved by the Director of the Public Works Department;
- (4) The size of the meter and service requested. (Ord. 3610 §1, 1973.)

#### **14.08.030 New Connections to Mains - Fee to Accompany Application.**

The application referred to in Sections 14.08.010 and 14.08.020 shall be accompanied by a fee as provided for in Section 14.08.050. (Ord. 3610 §1, 1973.)

#### **14.08.040 New Connections to Mains - Determination of Meter and Service Size.**

The size of any new meter and service and/or reduction in meter size shall be subject to the final determination and approval by the Director of the Public Works Department.

Uniform Plumbing Code requirements will be used as a guide for determining the size where applicable.

Where insufficient information is available to determine the size from the Uniform Plumbing Code, the proper size may be determined on an area basis as follows:

- |                              |                              |
|------------------------------|------------------------------|
| (1) Usable Land Area:        | Service Size:                |
| 10,000 square feet or less   | 5/8 inch by 3/4 inch         |
| 10,000 to 20,000 square feet | 1 inch                       |
| 20,000 to 34,000 square feet | 1-1/2 inch                   |
| 35,000 square feet and over  | 2 inch or larger as required |

(2) Existing services and meters: In cases where the consumption history of a consumer's meter is greater than the average consumption of the next larger size meter, the Director may require the consumer to have installed at his expense the next larger size meter and services.

(3) Change in meter size for any property will not be approved without the written consent of the property owner. (Ord. 4250, 1984; Ord. 3610 §1, 1973.)

#### **14.08.045 Effective Date of Revised Rates.**

The revised rates and schedules imposed by Sections 14.08.050, 14.08.090 and 14.08.095 of this chapter shall become effective as of the commencement of the first complete billing period following the effective date of the ordinance codified herein. (Ord. 3610 §1, 1973.)

#### **14.08.050 New Connections to Mains - Fee Schedule.**

(a) The service fees for original connections to the City water system and service relocations shall be set by resolution of the City Council.

(b) In addition to the service fees provided for in §14.08.050(a), applicants for original connections to the City water system shall also pay a "buy in" charge as established by resolution of the City Council. This subsection shall be applicable only to the existing water service area at the time of the adoption of this ordinance. (Ord. 3829, 1976; Ord. 3750, 1975; Ord. 3696, 1974; Ord. 3610 §1, 1973; Ord. 2735 §1, 1974.)

#### **14.08.060 New Connections to Mains - Connections Generally.**

Upon receipt of the application and fee by the Public Works Department, as contemplated by Sections 14.08.010, 14.08.020, 14.08.050 and 14.08.080, premises may be connected to the water mains of the City if found to conform to the provisions of this chapter. (Ord. 3610 §1, 1973.)

#### **14.08.070 Fees for Service Relocations.**

Fees for City water service relocations shall be identical with those expressed in Section 14.08.050. (Ord. 3610 §1, 1973.)

#### **14.08.080 Service Fees for Meters.**

Service fees for meters shall be set by resolution of the City Council. (Ord. 3829, 1976.)

#### **14.08.090 Water Service Meter Rates at Premises - Monthly Rates.**

The monthly rates to be charged and collected shall be set by resolution of the City Council. (Ord. 4250, 1984; Ord. 3829, 1976.)

#### **14.08.095 Customer Service Charge.**

In addition to all other charges imposed by this chapter, a customer service charge is hereby imposed and the same shall be collected in connection with all billings for water, without regard to actual water use, if any, at rates determined by resolution of the City Council. (Ord. 4250, 1984; Ord. 3829, 1976.)

#### **14.08.130 Meter Test - Replacing Meter.**

Any consumer may have the accuracy of the meter through which water is being furnished to his premises examined and tested by the City by making a written application therefor upon forms provided by the City and accompanying the same with a fee in an amount determined by resolution of the City Council. Upon receipt of such application and fee, the City shall examine and test such meter. If the meter is found to register a quantity of water which varies from the actual quantity of water passing through it by more than two percent (2%), such meter shall be removed and another meter installed in lieu thereof. In any event, the fee shall be retained by the City. (Ord. 4250, 1984; Ord. 3610 §1, 1973.)

#### **14.08.140 Placement Generally and General Treatment of Meters.**

All meters of the Public Works Department shall be placed at the curb line of the street, whenever and wherever practicable, and shall be protected and maintained as a part of the operation of the Department. (Ord. 3610 §1, 1973.)

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## **Chapter 14.12**

### **PRIVATE FIRE SERVICE**

#### **Sections:**

**14.12.010 Private Fire Service - Non-Meter Rates.**

**14.12.020 Private Fire Service - When Line to be Metered, Etc.**

**14.12.030 Private Fire Service - Reservation of Right to Disconnect.**

#### **14.12.010 Private Fire Service - Non-Meter Rates.**

The rate for City water for private fire services when the use of a meter is not required shall be set by resolution of the City Council. (Ord. 3829, 1976.)

#### **14.12.020 Private Fire Service - When Line to be Metered, Etc.**

If an existing fire service line is found tapped for domestic use, a meter or detector-check device shall be installed on such service at the expense of the consumer and the regular meter rate shall be charged thereafter in addition to the fire service rate. All fire service lines installed after the effective date of the ordinance codified in this chapter shall have an approved detector-check and by-pass meter installed and such device shall be considered part of the fire service cost. (Ord. 2931 §2(part), 1963; prior Code §44.21.)

#### **14.12.030 Private Fire Service - Reservation of Right to Disconnect.**

The right shall be reserved to disconnect fire service lines from the City main by direction of the Council on recommendation of the Director of the Public Works Department. (Ord. 2931 §2(part), 1963; prior Code §44.22.)

## **Chapter 14.16**

### **BILLINGS AND PAYMENT FOR WATER**

#### **Sections:**

**14.16.010 Due Dates - Shut Off for Delinquency - Service Restoration Fee.**

**14.16.020 Disconnection for Delinquency.**

**14.16.070 Water Service Santa Barbara Mission.**

**14.16.080 Disputed Accounts.**

#### **14.16.010 Due Dates - Shut Off for Delinquency - Service Restoration Fee.**

All water bills issued by the City shall be due and payable on the mailing date, which date shall be plainly stamped upon each bill. In the event any such bill is not paid within five (5) days after the mailing date of the notice of failure to pay such bill, water service may be disconnected from the premises of the delinquent consumer. Water service shall not be restored for such consumer until all arrearages in water bills of such consumer shall have been paid in full, together with a service restoration fee established by resolution of the City Council. (Ord. 4250, 1984; Ord. 3933 §1, 1977; Ord. 2931, 1963; prior Code §44.23.)

#### **14.16.020 Disconnection for Delinquency.**

Water service may be disconnected from the premises occupied by, or may be refused to, any consumer with a bill for water service supplied to the consumer at any other address (including a property formerly occupied by the consumer) which has remained unpaid for more than twenty (20) days. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.23(part).)

#### **14.16.070 Water Service Santa Barbara Mission.**

Water to Santa Barbara Mission shall be furnished and paid for pursuant to the agreement dated November 22, 1966, between the Franciscan Fathers of California and the City, recorded as Instrument No. 40196, in Book 2175 at page 1276, Official Records of the County of Santa Barbara. (Ord. 3204 §1, 1967; Ord. 2931 §2(part), 1963; prior Code §44.28.)

#### **14.16.080 Disputed Accounts.**

The Director of Finance shall establish, subject to the approval of the City Council, administrative procedures for the resolution of consumer disputes regarding charges for water and sewer service provided by the City. A summary of these administrative procedures shall be included in each water and sewer delinquency billing. The administrative procedures may provide that the decision of the Finance Director or the City Administrator regarding the proper resolution of any dispute shall be final. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.29.)



## Chapter 14.20

### WATER REGULATIONS

#### Sections:

<b>14.20.005</b>	<b>Use of Water.</b>	<b>14.20.140</b>	<b>Illegal Consumption Shown by Meter.</b>
<b>14.20.007</b>	<b>Prohibition Against Waste of Water.</b>	<b>14.20.150</b>	<b>Reconnection Generally.</b>
<b>14.20.010</b>	<b>Wasting Water - Repairs - Required.</b>	<b>14.20.160</b>	<b>Frontage Premises to be Separately Connected - Exception.</b>
<b>14.20.040</b>	<b>City's Relation to Seepage, Etc. - Damage on Private Property.</b>	<b>14.20.170</b>	<b>Notice Upon Vacating Premises - Required.</b>
<b>14.20.050</b>	<b>Who May Turn on Water.</b>	<b>14.20.180</b>	<b>Department to Read Meter on Receipt and Stop Service.</b>
<b>14.20.060</b>	<b>Preventing Access to Water System Outlets.</b>	<b>14.20.190</b>	<b>Rules and Regulations to be Established by Health Officer.</b>
<b>14.20.070</b>	<b>Consumer Precautions in Case of Fire.</b>	<b>14.20.200</b>	<b>Illegal Connections.</b>
<b>14.20.080</b>	<b>Right of Access to Water Meters.</b>	<b>14.20.210</b>	<b>Illegal Connection - Denial of Water from Public Water Supply.</b>
<b>14.20.090</b>	<b>Access to Meters Inside Premises.</b>	<b>14.20.215</b>	<b>Water Use Regulations During Drought Conditions.</b>
<b>14.20.100</b>	<b>Shutting Off Water for Repairs, Etc., and Notice.</b>	<b>14.20.225</b>	<b>Violations.</b>
<b>14.20.105</b>	<b>Shutting Off Irrigation Meters.</b>	<b>14.20.226</b>	<b>Penalties and Charges.</b>
<b>14.20.108</b>	<b>Place of Use of Water.</b>	<b>14.20.227</b>	<b>Notice of Violation - Hearing.</b>
<b>14.20.110</b>	<b>Tanks Required for Steam Boilers.</b>		
<b>14.20.120</b>	<b>Check Valves and Anti-Backflow Devices.</b>		

#### **14.20.005 Use of Water.**

The use of all water obtained by or through the distribution facilities of the City shall be governed and controlled by the provisions of this Chapter. (Ord. 4558, 1989.)

#### **14.20.007 Prohibition Against Waste of Water.**

It shall be a violation of this Chapter for any consumer or account holder to waste any water obtained from or through the distribution facilities of the City. (Ord. 4558, 1989.)

#### **14.20.010 Wasting Water - Repairs - Required.**

Each and every consumer shall maintain in good order all his water pipes, faucets, valves, plumbing fixtures or any other appliances, at all times, to prevent waste of water. (Ord. 2931 §2(part), 1963; prior Code §44.30.)

#### **14.20.040 City's Relation to Seepage, Etc. - Damage on Private Property.**

The City shall in no way whatsoever be responsible for any damage to person or property because of any leakage, breakage or seepage from or accident or damage to any meter or pipe situated within any private premises. The City shall not be responsible for any leakage, breakage or seepage from or accident or damage to any meter or pipe situated within any private premises. The City shall not be responsible for any leakage, breakage or seepage from any pipe situated between any meter properly installed at the curb and the private premises served thereby. The City shall not be responsible for or on account of any damage, injury or loss occasioned directly or indirectly by the existence of any meter or pipe situated upon private property. (Ord. 2931 §2(part), 1963; prior Code §44.33.)

#### **14.20.050 Who May Turn on Water.**

No person other than an official or employee of the Public Works Department shall turn on water from the City mains without a written permit from the Director of such department. (Ord. 2931 §2(part), 1963; prior Code §44.34.)

#### **14.20.060 Preventing Access to Water System Outlets.**

No person shall place upon or about a fire hydrant, curbcock, water meter or water gate connected with the water system of the City, any object, material, debris or structure of any kind that shall prevent free access to the same at all times. (Ord. 2931 §2(part), 1963; prior Code §44.42.)

#### **14.20.070 Consumer Precautions in Case of Fire.**

In case of fire, consumers shall be required to shut off all irrigation or any steady flow of water being used when the fighting of any fire reasonably necessitates the same. (Ord. 2931 §2(part), 1963; prior Code §44.43.)

#### **14.20.080 Right of Access to Water Meters.**

Any duly authorized representative of the City shall at all times have the right of ingress to and egress from any water meter located upon a consumer's premises by way of such easement, license or right-of-way, if any, as the City may own and for such purposes as are permitted by the easement, license or right-of-way. (Ord. 4558, 1989; Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.44.)

#### **14.20.090 Access to Meters Inside Premises.**

Where a water meter is placed inside the premises of a consumer, provision shall be made for convenient meter reading and repairing by representatives of the City, for shutting off or turning on water service, and for installation or removal of flow restricters. (Ord. 4558, 1989; Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.45.)

#### **14.20.100 Shutting Off Water for Repairs, Etc., and Notice.**

The City reserves the right to shut off the water from any premises, or from any part of the distribution system, as long as necessary, without notice to the consumer, at any time when the exigencies of the occasion may require it; but in all cases of extension or connections the Department shall notify consumers of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action. (Ord. 2931 §2(part), 1963; prior Code §44.46.)

#### **14.20.105 Shutting Off Irrigation Meters.**

The City shall have the right to shut off water service to meters restricted to irrigation uses temporarily and as necessary to determine that the use of such meters is limited to irrigation. Any person applying for service through a meter restricted to irrigation uses shall be informed of such conditions of use at the time he or she applies for such a meter. (Ord. 4558, 1989.)

#### **14.20.108 Place of Use of Water.**

Except as otherwise provided in this Title or as specifically authorized by the Director, water received from or through a meter may be used only on and for the property served by that meter. (Ord. 4558, 1989.)

#### **14.20.110 Tanks Required for Steam Boilers.**

No stationary steam boiler shall be connected directly with the water distribution system of the City but in each and every case, a suitable tank of storage capacity, sufficient for twelve (12) hours supply for such boiler, shall be provided and the service pipe supplying such tank shall discharge directly into the top of such tank. (Ord. 2931 §2(part), 1963; prior Code §44.47.)

#### **14.20.120 Check Valves and Anti-Backflow Devices.**

Whenever the Director shall consider it necessary for the safety of the water system to have an approved check valve or anti-backflow device placed on the property side of any consumer's service, such device shall thereupon be immediately installed at the expense of such consumer. If such device is not installed within ten (10) days after the Director shall order such installation, it shall be installed by the Public Works Department at such consumer's expense on the basis of cost, plus overhead. (Ord. 2931 §2(part), 1963; prior Code §44.48.)

#### **14.20.140 Illegal Consumption Shown by Meter.**

When a meter shows a consumption of water after service has been officially discontinued, the owner of the property served shall be held responsible for such consumption, in addition to which he shall pay to the City a service restoration fee and the water shall not again be turned on for either owner or tenant until such illegal consumption has been fully paid for. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.50.)

#### **14.20.150 Reconnection Generally.**

After water has been shut off from any premises, it shall not again be connected until the City has received written application therefor; such application shall be on blanks furnished by the City, and shall be signed by the prospective consumer. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.51.)

#### **14.20.160 Frontage Premises to be Separately Connected - Exception.**

All water furnished by the City to any structure, building, house, flat, tenement, ground floor, business room or store or any unimproved realty under one (1) ownership in or outside the City, having a street or road frontage, shall be through a separate service connection; provided, however, that where two (2) or more houses owned by the same persons are situated on one (1) lot, and have only one (1) frontage on the same street or road, such houses may be furnished with water through one (1) and the same service connection; and provided further, that each house now having a street or road frontage shall be deemed as separately connected for the purpose of the charge or collection for water furnished, and the owner shall be liable for such water so furnished any one (1) connection. (Ord. 2931 §2(part), 1963; prior Code §44.52.)

#### **14.20.170 Notice Upon Vacating Premises - Required.**

Prior to vacating any premises connected to the City water supply system, the consumer shall request that the City terminate service and prepare a final billing. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.53.)

#### **14.20.180 Department to Read Meter on Receipt and Stop Service.**

Within two (2) working days of receipt of the notice required by Section 14.20.170, the City shall read the water meter and shut off the water to the premises. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.54.)

#### **14.20.190 Rules and Regulations to be Established by Health Officer.**

The Health Officer of the County is hereby authorized to establish written rules and regulations, including procedures for administration, of said rules and regulations, for the protection of public water supplies.

A copy of all regulations adopted hereunder shall be filed with the City Clerk and shall be subject to rejection by the City Council within thirty (30) days of filing. Regulations rejected by the City Council shall be null and void in the City.

For the purposes of this section and Sections 14.20.200 and 14.20.210, the following definitions shall apply:

(a) "Public Water Supply" means water which is piped to the general public for human consumption by a public water system.

(b) "Cross-connection" means the unprotected joining of or connection between any part of a public water supply system and any material or substance that is not safe, wholesome or potable for human consumption.

(c) "Auxiliary water supply" means any water supply other than a public water supply.

(d) "Health Officer" means the Health Officer designated in Title 7 of the Santa Barbara Municipal Code. (Ord. 3936, §1, 1978; Ord. 2931 §2(part), 1963; prior Code §44.55.)

#### **14.20.200 Illegal Connections.**

It shall be unlawful:

(a) to cause, establish or maintain a cross-connection within the City; or

(b) to cause, establish or maintain an auxiliary water supply on any premises or property which obtains water from a public water supply unless the public water supply is protected by a method approved by the Health Officer of the County; or

(c) to cause, establish or maintain a connection to the public water supply on any premise or property on which any material dangerous to health or toxic substance is handled under pressure, unless the public water supply is protected by an air-gap separation or other method approved by the Health Officer of the County; or

(d) to cause, maintain or establish any use of a public water supply in violation of regulations established by the Health Officer of the County pursuant to Section 14.20.190. (Ord. 3936 §1, 1978; Ord. 2931 §2(part), 1963; prior Code §44.56.)

#### **14.20.210 Illegal Connection - Denial of Water from Public Water Supply.**

Water service from the public water supply shall be discontinued by the Public Works Department upon any premises upon which there is any use or connection prohibited by Section 14.20.200 and such service shall not be restored until such violation is abated. The Health Officer of the County shall notify the Director of Public Works of the prohibited use or connection. (Ord. 3936 §1, 1978; Ord. 2931 §2(part), 1963; prior Code §44.57.)

#### **14.20.215 Water Use Regulations During Drought Conditions.**

A. STAGE TWO DROUGHT CONDITION. Upon adoption by the City Council of a resolution declaring a Stage Two Drought Condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.

1. The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings and paved, tile, wood, plastic or other surfaces shall be prohibited, except in the event the Director determines that such use is the only feasible means of correcting a potential threat to health and safety.

2. All restaurants that provide table service shall post, in a conspicuous place, a Notice of Drought Condition as approved by the Director and shall refrain from serving water except upon specific request by a customer.

3. The operation of and introduction of water into ornamental fountains and bodies of water shall be prohibited.

4. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room a Notice of Drought Condition as approved by the Director.

5. Any use of water that causes runoff to occur beyond the immediate vicinity of use shall be prohibited.

6. The use of potable water for cleaning, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the Director has determined that use of reclaimed wastewater is a feasible alternative.

7. Irrigation at any time from 8:00 a.m. to 6:00 p.m. of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited.

8. Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment or by use of a bucket and hose equipped with a self-closing valve that requires operator pressure to activate the flow of water.

B. STAGE THREE DROUGHT CONDITION. Upon adoption by the City Council of a resolution declaring a Stage Three Drought Condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.

1. Each of the Stage Two water use regulations set forth in Subsections A.1 through A.6 of this Section shall be applicable.

2. The introduction of water into swimming pools and spas shall be prohibited.

3. The use of water through a meter that is restricted to irrigation uses shall be prohibited, and the City shall have the right to shut off water service to any such meter without notice to the account holder or any other person.

4. Irrigation of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited, except by means of a hand-held bucket.

5. Boats and vehicles shall be washed only by use of a hand-held bucket or at commercial car washing facilities equipped with water recycling equipment.

C. EXEMPTIONS. Exemptions to the water use regulations set forth in this Section may be granted by the Director for specific uses of water, on the basis of hardship and in accordance with such guidelines for exemptions as the City Council may adopt. A denial of a request for an exemption may be appealed to a review committee consisting of the Director, the Parks Director or his designated representative, one member of the Board of Water Commissioners appointed by the Board, and such other persons, if any, as the City Council may appoint. The decision of the review committee shall be final.

D. Upon the declaration of and during a Stage Three Drought Condition, the failure of a mobilehome park owner to introduce water into a swimming pool or spa located in a mobilehome park, in accordance with the requirement of Paragraph B.7 of this Section, shall not be considered an increase in "rent" for purposes of Municipal Code Section 26.08.030.N. (Ord. 4558, 1989.)

#### **14.20.225 Violations.**

A. Any failure to comply with a provision of this Chapter shall constitute a violation, regardless of whether the failure to comply is caused by an account holder, a consumer or any other person or entity.

B. Where the failure to comply is continuing and intentional, each successive hour of such failure to comply shall be a separate and distinct violation. (Ord. 4558, 1989.)

#### **14.20.226 Penalties and Charges.**

A. The following penalties shall apply to any violation of any provision of this Chapter:

1. For the first violation within the preceding twelve (12) calendar months, the Director shall issue a written notice of the fact of such violation.

2. For a second violation within the preceding twelve (12) calendar months, the Director shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00).

3. For a third violation within the preceding twelve (12) calendar months, the Director:

a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and

b. May install a flow restricter on the service where the violation occurred or is occurring, for a period to be determined by the Director.

4. For a fourth and any subsequent violation within the preceding twelve (12) calendar months, the Director:

a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and

b. May install a flow restricter on or shut off water service to the property where the violation occurred or is occurring, for a period to be determined by the Director.

B. If a flow restricter is installed or water service shut off pursuant to Subsection A of this Section, prior to restoration of normal water service the account holder whose service is affected shall be required to reimburse the City for whatever cost it has incurred and will incur in installing and removing a flow restricter and in shutting off and turning on water service.

C. Any surcharge imposed pursuant to this Section shall be added to the account of the account holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service. The maximum amount of surcharges which an account holder may be required to pay during any twelve-month period shall be one thousand dollars (\$1,000.00).

D. Nothing in this Chapter shall limit or be construed to limit the right of an account holder to seek reimbursement of a surcharge from a tenant or other consumer. (Ord. 4558, 1989.)

#### **14.20.227 Notice of Violation - Hearing.**

A. For each violation of this Chapter, the Director shall give notice as follows:

1. By sending written notice through the U.S. mail to the account holder for the property where the violation occurred or is occurring, at the current billing address shown in the City's water billing records; and

2. By personally giving written notice thereof to the person who committed the violation or by leaving written notice with some person of suitable age and discretion at the property where the violation occurred or is occurring; or

3. If neither the person who committed the violation nor a person of suitable age and discretion can be found, then by affixing written notice in a conspicuous place on the property where the violation occurred or is occurring.

B. Any written notice given under this Section shall contain a statement of:

1. The time, place and nature of the violation;

2. The person(s) committing the violation, if known;

3. The provision(s) of this Chapter violated;

4. The possible penalties for each violation;

5. The account holder's right to request a hearing on the violation and the time within which such a request must be made; and

6. The account holder's loss of the right to a hearing in the event the account holder fails to request a hearing within the time required.

C. Any account holder provided a notice of violation in accordance with the provisions of this Chapter shall have the right to request a hearing. The request must be made in writing and must be received by the Director within ten (10) calendar days of the date of the notice of violation. The Director shall conduct the hearing, at which both written and oral evidence may be presented, and shall decide whether a violation occurred and the appropriate penalty. In determining the appropriate penalty, the Director shall consider whether the account holder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of it. In addition, the Director shall exercise his discretion in accordance with such guidelines as the City Council may adopt by resolution.

1. For a first or second violation within a twelve (12) month period, the decision of the Director shall be final.

2. For a third or subsequent violation within a twelve (12) month period, the account holder shall have the right to appeal the decision of the Director by requesting a hearing before the Board of Water Commissioners ("Board"). The request for hearing before the Board shall be in writing and shall be delivered to the Director not later than seven (7) calendar days after the date of the decision of the Director. At the hearing, the Board may receive and hear both written and oral evidence and shall have the authority to affirm, reverse, or modify the decision of the Director. The decision of the Board shall be final.

D. If an account holder fails to request a hearing before the Director or the Board within the period(s) provided in this Section, the action of the Department shall be deemed final.

E. There shall be no installation of a flow restricter or shut off of water service until a notice of violation has become final or there is a final decision of the Director or the Board ordering installation of a flow restricter or shut-off of water service. (Ord. 4558, 1989.)

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## Chapter 14.23

### WATER EFFICIENT LANDSCAPE AND RECLAIMED WATER USE REGULATIONS

#### Sections:

<b>14.23.008</b>	<b>Water Efficient Landscapes, Purpose.</b>	<b>14.23.020</b>	<b>Requirement to Use Reclaimed Water.</b>
<b>14.23.009</b>	<b>Regulation of New or Rehabilitated Landscapes.</b>	<b>14.23.030</b>	<b>Determination, Time Schedule for Compliance, Review.</b>
<b>14.23.010</b>	<b>Policy - Reclaimed Water.</b>		

#### **14.23.008 Water Efficient Landscapes, Purpose.**

The California State Legislature has found that the limited supply of state waters are subject to ever increasing demands; that California's economic prosperity depends on adequate supplies of water; that state policy promotes conservation and efficient use of water; that landscapes provide recreation areas, clean the air and water, prevent erosion, offer fire protection, and replace ecosystems displaced by development; and that landscape design, installation, and maintenance can and should be water efficient.

Consistent with the legislative findings, the purpose of this ordinance is to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; to establish a structure for designing, installing, and maintaining water efficient landscapes in new projects; and to establish provisions for water management practices and water waste prevention for established landscapes. (Ord. 4787, 1992.)

#### **14.23.009 Regulation of New or Rehabilitated Landscapes.**

All new and rehabilitated landscaping for public and private development projects that are subject to review of the Architectural Board of Review or the Landmarks Committee shall be required to comply with the City's Water Conservation Landscape Design Standards as adopted by resolution of the City Council. (Ord. 4787, 1992.)

#### **14.23.010 Policy - Reclaimed Water.**

It is the policy of the City of Santa Barbara that reclaimed water be used wherever it is available in conformance with California Water Code Sections 13550 and 13551. (Ord. 4485, 1987)

#### **14.23.020 Requirement to Use Reclaimed Water.**

A person or public agency, as used in California Water Code Section 13551, shall not use water from any source of quality suitable for potable domestic use for the irrigation of greenbelt areas when suitable reclaimed water is available as provided in Section 13550. (Ord. 4485, 1987)

#### **14.23.030 Determination, Time Schedule for Compliance, Review.**

The Public Works Director shall review the facts and make a preliminary determination pursuant to California Water Code Section 13550 if a parcel or parcels of land are required to comply with Section 14.23.020 and establish a time schedule for compliance. A notice of that preliminary determination and a time schedule for compliance shall be sent to the owner of the parcel(s) using for this purpose, the last known name and address of such owners as shown upon the last Assessment Roll of the County of Santa Barbara. Any notice by the Public Works Director under this Section shall be deemed given when properly addressed and deposited into the United States mail with postage fully pre-paid or personally delivered to the owner. The owner may file a notice of objection which must be in writing, must specify the reasons for the objections and must be filed with the Public Works Director within twenty (20) days after it is given or mailed to the owner. The preliminary determination and time schedule for compliance shall be final if the owner does not file a timely objection. The Public Works Director or his designee shall meet with the owner to attempt to resolve the objections. If the objections cannot be re-solved to the mutual satisfaction of the City and owner, the Public Works Director shall give the owner a final determination and make a request that the Regional Water Quality Control Board and any other appropriate agencies conduct a hearing to determine if the parcel or parcels must use reclaimed water pursuant to Water Code Sections 13550 and 13551. (Ord. 4485, 1987)



## Chapter 14.25

### FIRE HYDRANTS

#### Sections:

**14.25.010 Generally.**

**14.25.020 Purpose - Who May Use.**

**14.25.030 Use Permit - Required.**

**14.25.040 Meters, Hydrant Wrenches and Valves.**

**14.25.050 Revocation of Permits.**

**14.25.060 Fees and Deposits.**

#### **14.25.010 Generally.**

Public fire hydrants connected to the City water system shall be placed, maintained and repaired by the Public Works Department. Any damage thereto by persons or agencies, other than representatives of the Fire or Public Works Department, shall be a claim against the person or agency committing such damage, and the Director shall take such action as may be necessary to collect the same. (Ord. 3922 §2, 1977; Ord. 2931, 1963; prior Code §44.35.)

#### **14.25.020 Purpose - Who May Use.**

Public fire hydrants shall be provided for the sole purpose of extinguishing fires, and shall be used otherwise only as provided for in this chapter, and shall be opened and used only by the Public Works and Fire Departments or such persons as may be authorized to do so by the Director of the Public Works Department as provided in this chapter. (Ord. 3922 §2, 1977; Ord. 2931, 1963; prior Code. §44.36.)

#### **14.25.030 Use Permit - Required.**

No person shall take water other than for the purpose of extinguishing fires from a fire or other hydrant owned or controlled by the City including hydrants installed pursuant to Section 14.25.070 without first obtaining a permit from the Director of the Public Works Department. No such permit holder shall take or use water contrary to this chapter or the terms of a permit issued under this chapter. No permit shall be issued to a person who has violated any of the provisions of this chapter or whose indebtedness to the City for water used, or damage to hydrants or equipment is delinquent.

The Director of Public Works may issue permits authorizing use through fire or other hydrants. Each permit:

- (a) shall be valid for a period of time as set by the Director of Public Works and not exceeding ninety (90) days;
  - (b) shall be renewable by the Director of Public Works for additional periods not exceeding ninety (90) days;
  - (c) shall set forth the hydrant(s) within the City's water service area which may be used pursuant to said permit;
- and
- (d) shall designate the location for which the water shall be used. Locations outside the City's water service area, except City owned property, shall not be designated except in emergencies. (Ord. 3922 §2, 1977.)

#### **14.25.040 Meters, Hydrant Wrenches and Valves.**

All water taken from a hydrant shall be metered using a meter provided, attached, secured and removed, by the Public Works Department. A valve connection device and a hydrant wrench provided by the Public Works Department shall be used in taking water from the hydrant. Permittee shall be responsible for loss or damage of the meter or other device and shall pay to City any charges necessary to repair and/or replace the meter and attachments if damaged or lost. Violation of this section shall be punishable as an infraction with a penalty of not less than \$250 nor more than \$500 in addition to restitution to the City for any water removed. (Ord. 4250, 1984; Ord. 3922 §2, 1977.)

#### **14.25.050 Revocation of Permits.**

Permits used in violation of this chapter shall be revoked by the Director of Public Works Department. (Ord. 3922 §2, 1977.)

#### **14.25.060 Fees and Deposits.**

Permittee shall pay permit fees, rental fees, water use fees and deposits established by resolution of the City Council. Deposits required for meters and/or other equipment provided to permittee shall be refunded in the event the equipment is returned in good order and condition and final settlement of account. (Ord. 4250, 1984; Ord. 3922 §2, 1977.)

## Chapter 14.28

### WATER MAIN EXTENSIONS

#### Sections:

<b>14.28.010</b>	<b>Water Main Extension - Standard Size.</b>	<b>14.28.090</b>	<b>Connections for Non-Contributors to Cost Prohibited.</b>
<b>14.28.020</b>	<b>Application for Extension - Report and Recommendation - Approval.</b>	<b>14.28.100</b>	<b>Contributors to Cost by Owners of Existing Private Lines.</b>
<b>14.28.030</b>	<b>To be Within Certain Boundaries.</b>	<b>14.28.110</b>	<b>Extension Charges Governed by Previous Ordinances.</b>
<b>14.28.040</b>	<b>Authorization of Construction.</b>	<b>14.28.120</b>	<b>Extension Charges to be Levied for Connection to Existing Water Mains.</b>
<b>14.28.050</b>	<b>Cost Distribution.</b>	<b>14.28.130</b>	<b>Water Main Extension Recovery Trust Account.</b>
<b>14.28.060</b>	<b>Statement of Final Cost - Basic Deposit Refund Procedure - Cost Contributions.</b>	<b>14.28.140</b>	<b>Refunds Generally.</b>
<b>14.28.070</b>	<b>City Contribution for Oversize Mains.</b>	<b>14.28.150</b>	<b>Limitations on Refund Claims.</b>
<b>14.28.080</b>	<b>Filing of Final Cost Sheet - Disposition of Deposit.</b>		

#### **14.28.010 Water Main Extension - Standard Size.**

Water mains extended pursuant to this chapter shall be a standard pipe size of not less than eight inches (8") in diameter when further future extension of such mains is practical and feasible. (Ord. 3933 §2, 1977; Ord. 2931, 1963; prior Code §44.61.)

#### **14.28.020 Application for Extension - Report and Recommendation - Approval.**

Owners of real property within and without the City desiring to have the City water system extended in accordance with the provisions of this chapter shall make written application therefor to the Director stating the location and limits of the requested water main extension together with a description of their property. The Director shall investigate each application and report to the City Administrator: (1) The feasibility and the practicality of the requested extension, (2) The estimated cost thereof including easement acquisition, fire hydrants and all other incidental expense, and (3) The proposed City contribution to the extension cost, if any; in determining the City's contribution, factors which may be taken into consideration are: zoning, land use, nature of terrain, nature of business and development of abutting property. The estimated extension cost shall be based upon the average cost of extending and laying water mains of the same size and type in the three (3) fiscal years immediately preceding the request as determined from cost records maintained by the City for said fiscal years. The petitioners may within ten (10) days from the date of receipt of the estimate from the Director, petition the City Council for reconsideration of the cost distribution. The City Council shall determine if the distribution of costs was made in accordance with the facts; shall review any additional facts presented by the petitioner; and shall, by appropriate motion confirm or reject the cost distribution. (Ord. 2931 §2(part), 1963; prior Code §44.62.)

#### **14.28.030 To be Within Certain Boundaries.**

All water main extensions as are mentioned in Section 14.28.020 shall be within the boundary lines of a public street or a recorded easement to the City. (Ord. 2931 §2(part), 1963; prior Code §44.63.)

#### **14.28.040 Authorization of Construction.**

After the application of the property owner requesting a water main extension together with the report from the Director as set forth in Section 14.28.020 has been received, the City Administrator may authorize the construction of the water main extension by public contract, by City forces or by private contract by the applicant subject to the approval of the applicant's plans and specifications and inspection by the Santa Barbara Public Works Department or subject to a deposit of the applicant's cost if constructed by public contract or City forces. Provided, however, the City Administrator shall not authorize the construction of any water main extension when the City's contribution to the project cost shall exceed twenty-five percent (25%) of the total project cost, unless such cost in excess of twenty-five percent (25%) is directly attributable to system improvement over and above that necessary to serve the abutting property directly benefited by the water main extension. Should the City's contribution exceed twenty-five percent (25%) of the project cost for which there is no system betterment other than that to the property directly benefited, approval for construction shall be authorized by the City Council. (Ord. 2931 §2(part), 1963; prior Code §44.64.)

#### **14.28.050 Cost Distribution.**

After the Department has received the deposit from the applicant for the main extension cost the Director shall prepare construction plans and specifications for main extension approved pursuant to Section 14.28.040, and cause the main extension to be constructed by force account, public contract, or, upon payment of engineering, inspection and incidental costs by applicant, authorize applicant to construct the approved main extension by private contract in lieu of deposit provisions of this section. (Ord. 2931 §2(part), 1963; prior Code §44.65.)

#### **14.28.060 Statement of Final Cost - Basic Deposit Refund Procedure - Cost Contributions.**

Upon completion and acceptance of the work by the City, performed pursuant to the provisions of this chapter, the Director shall prepare a statement of: (1) the final cost of the water main extension, and (2) the pro-rated distribution of such cost to the benefited properties. The cost distribution shall be made on either an area, building site, or frontage basis or a combination thereof as may be determined to be the most equitable basis by the Director. For purposes of contributions, cost distribution and refunds for mains extended by City forces, the Director shall use the average cost as defined in Section 14.28.020. (Ord. 2931 §2(part), 1963; prior Code §44.66.)

#### **14.28.070 City Contribution for Oversize Mains.**

A water main installed pursuant to an application under this chapter may be of larger size than the required standard pipe size of eight inches (8") in diameter when directed or approved by the Director of Public Works. The City shall pay the additional cost for the installation of the approved water mains of a larger size than the required standard pipe size of eight inches (8") in diameter. (Ord. 3933 §2, 1977; Ord. 2931, 1963; prior Code §44.67.)

#### **14.28.080 Filing of Final Cost Sheet - Disposition of Deposit.**

Upon compliance with the provisions of Section 14.28.060, the Director shall file the final cost sheet with the office manager-accountant and a copy forwarded to the applicant. (Ord. 2931 §2(part), 1963; prior Code §44.68.)

#### **14.28.090 Connections for Non-Contributors to Cost Prohibited.**

The owners of benefited property or their predecessors in interest, as shown on the final cost sheet filed by the Director, who have not theretofore contributed their proportionate share of the water main extension, as recorded on the final cost sheet, shall not be permitted to connect to such water main extension unless and until the amount recorded on the final cost sheet has been paid to the City. (Ord. 2931 §2(part), 1963; prior Code §44.69.)

#### **14.28.100 Contributors to Cost by Owners of Existing Private Lines.**

No property owner in a water main extension area formed pursuant to this chapter who has, previous to such water main extension, constructed a private water line to or for his property, at his own expense, shall be required to contribute to the cost of such water main extension, except where the private water line is abandoned and connection to the main extension is requested. Such property owner, or his successor in interest, shall pay the amount so determined before connecting his property to the water main extension. (Ord. 2931 §2(part), 1963; prior Code §44.70.)

#### **14.28.110 Extension Charges Governed by Previous Ordinances.**

Applicants requesting connection to a water main installed under the provisions of this title shall pay the water main extension charge set forth in the current ordinance as a condition precedent to the granting of a connection permit. (Ord. 2931 §2(part), 1963; prior Code §44.71.)

#### **14.28.120 Extension Charges to be Levied for Connection to Existing Water Mains.**

Applicants requesting connection to an existing water main installed subsequent to August 25, 1946, and financed in whole or in part from City funds, and where such applicant or his predecessor in interest of the land to be served has not paid a water main extension charge with respect to such water main, shall pay an extension charge to the City before the application may be approved. Replacement of any City water main existing on August 25, 1946, shall be deemed to constitute a main installed prior to such date. The extension charge shall be computed by the Director as provided in this chapter for a new main extension. The charge under this section is in addition to any permit, meter or connection fees and other regular charges made under this title or other ordinances. The charges collected pursuant to this section shall be credited to the proper revenue account in accordance with standard accounting practice. (Ord. 2931 §2(part), 1963; prior Code §44.72.)

#### **14.28.130 Water Main Extension Recovery Trust Account.**

Collection, pursuant to Sections 14.28.090 - 14.28.110 shall be credited to a Water Main Extension Recovery Trust Account on the general books of the City. Charges against this account shall be made only pursuant to the provisions of Sections 14.28.140 and 14.28.150. (Ord. 2931 §2(part), 1963; prior Code §44.73.)

#### **14.28.140 Refunds Generally.**

Periodically, but not less than twice a year the Department shall pay and refund to the persons originally paying for the water main, their proportionate share of the money paid by subsequent property owners who did not participate in the original cost and who were given permits to connect to the extended water main and who paid as provided in the Director's final cost sheet. Payments made hereunder shall be charged to the Water Main Extension Recovery Trust Account.

Payments under this section shall be made to the person originally paying for such water main at his address appearing in the records of the Public Works Department and shall constitute a discharge of its duty under this section to pay as to all sums so paid unless the City shall have received and consented to an assignment of such right to another giving the assignee's name and payment address. (Ord. 2931 §2(part), 1963; prior Code §44.74.)

#### **14.28.150 Limitations on Refund Claims.**

Any claim by a contributing property owner for a refund which is payable out of the Water Main Extension Recovery Trust Account shall be made within a period of fifteen (15) years from the date of the original contribution. All moneys remaining in the trust account after such fifteen (15) years shall have elapsed from the time of its deposit, shall forthwith be transferred to the proper water fund revenue account. (Ord. 2931 §2(part), 1963; prior Code §44.75.)

## Chapter 14.32

### WELLS

#### Sections:

<b>14.32.010</b>	<b>Title.</b>	<b>14.32.080</b>	<b>Cash Deposit or Security Bond.</b>
<b>14.32.020</b>	<b>Legislative Intent.</b>	<b>14.32.090</b>	<b>Suspension or Revocation of Permit.</b>
<b>14.32.030</b>	<b>Definitions.</b>	<b>14.32.100</b>	<b>Appeal.</b>
<b>14.32.040</b>	<b>Acts Prohibited, Permit Required.</b>	<b>14.32.110</b>	<b>Public Nuisance.</b>
<b>14.32.050</b>	<b>Meter Required.</b>	<b>14.32.115</b>	<b>Emergency.</b>
<b>14.32.055</b>	<b>Reporting Water Use.</b>	<b>14.32.120</b>	<b>Meters.</b>
<b>14.32.060</b>	<b>Permits.</b>	<b>14.32.130</b>	<b>Inspection.</b>
<b>14.32.070</b>	<b>Rules and Regulations.</b>		

#### **14.32.010 Title.**

This chapter shall be known and referred to as the Well Ordinance of the City of Santa Barbara. (Ord. 3746 §1, 1975.)

#### **14.32.020 Legislative Intent.**

It is the purpose of this ordinance to regulate the construction, modification or repair, abandonment or destruction of wells in such a manner that the groundwater of this City will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of this City, and to monitor the amount of water pumped from wells. (Ord. 3746 §1, 1975.)

#### **14.32.030 Definitions.**

(a) "Person." Person shall mean any individual, firm, partnership, general corporation, association or governmental entity.

(b) "Well." Well shall mean any artificial excavation for the purpose of extracting water from or injecting water into the ground, or for providing cathodic protection, or for making tests or observations of underground conditions, or for any other similar purpose. This definition shall not include: (a) oil and gas wells, or geothermal wells; or (b) wells used for the purpose of (1) dewatering excavation during construction or (2) stabilizing hillsides or earth embankments.

(c) "Contamination." Contamination shall mean the impairment of the quality of water to a degree which creates or may create a hazard to the public health through poisoning or through spread of disease.

(d) "Pollution." Pollution shall mean the alteration of the quality of water to a degree which affects or may affect such water for beneficial uses. Pollution may include contamination.

(e) "Public Works Director." Public Works Director shall mean the Public Works Director of the City of Santa Barbara or his duly authorized representatives.

(f) "Public Nuisance." Public nuisance when applied to a well shall mean any action or omission which threatens to or which contaminates or pollutes the groundwater or otherwise jeopardizes the health, safety and welfare of the public.

(g) "Abandon or Abandonment." Abandon or abandonment when applied to a well shall mean to cease maintenance or use of the well for a period of one (1) year.

(h) "Destroy or Destruction." Destroy or destruction when applied to a well shall mean any action which causes the well no longer to produce or act as a conduit for the interchange of water.

(i) "Emergency." Emergency shall mean a circumstance which is either (1) an imminent threat of or is actually contaminating or polluting the groundwater of this City, or (2) jeopardizes the health or safety of the people of this City or (3) will cause a substantial and immediate loss of property. (Ord. 3746 §1, 1975.)

#### **14.32.040 Acts Prohibited, Permit Required.**

(a) It shall be unlawful for any person to construct, modify or repair, abandon or destroy any well unless such person has a valid permit issued by the Public Works Director for the specific action to be taken.

(b) It shall be unlawful for any person to construct, modify or repair, abandon or destroy any well unless such construction, modification or repair, abandonment or destruction is in conformance with the terms and conditions contained in the permit issued by the Public Works Director. (Ord. 3746 §1, 1975.)

#### **14.32.050 Meter Required.**

(a) New Wells. Prior to removing any water from a newly constructed well, the permittee shall furnish and install, at its own expense, a water meter which shall measure the amount of water taken from said well. Said meter shall be the property of the owner of said well.

(b) Existing Wells. After the effective date of this ordinance, the Public Works Director will cause a water meter to be installed on each existing well at no cost to the owner. Upon abandonment of such wells, said water meters shall be returned to the Public Works Director. (Ord. 3746 §1, 1975.)

#### **14.32.055 Reporting Water Use.**

The owner of each well within the City of Santa Barbara on which a water meter has been installed shall read said meter annually on or about May 14 and not later than thirty (30) days thereafter report to the Public Works Director the amount of water pumped since the last reading of said meter. (Ord. 3746 §1, 1975.)

#### **14.32.060 Permits.**

- (a) The application for the permit required by this ordinance shall be:
  - (1) Made in writing to the Public Works Director on such forms as he may prescribe setting forth such information as he may require to secure the purposes of this ordinance.
  - (2) Signed by the applicant.
- (b) The application shall be accompanied by the filing fee established by the City Council by resolution. No part of this fee shall be refundable.
- (c) Permits issued pursuant to this ordinance by the Public Works Director may contain and be subject to such terms and conditions as the Public Works Director determines are necessary to carry out the purposes of this ordinance. The Public Works Director shall deny any application for a permit if, in his determination, its issuance would tend to jeopardize the purposes of this ordinance.
- (d) Every permit issued pursuant to this ordinance shall expire and become null and void upon completion of the work authorized thereby; however, in any event such permit shall expire and be null and void on the date set forth in the permit by the Public Works Director but in no event longer than one (1) year from the date of issue. (Ord. 3746 §1, 1975.)

#### **14.32.070 Rules and Regulations.**

The Public Works Director may adopt rules and regulations to implement and administer this ordinance. Said rules and regulations shall be approved by the City Council. (Ord. 3746 §1, 1975.)

#### **14.32.080 Cash Deposit or Security Bond.**

Prior to the issuance of a permit the applicant shall post with the Public Works Director a cash deposit or security bond to guarantee compliance with any terms and conditions of the permit and the proper performance of the work. Such cash and security bond shall be in the amount determined necessary by the Public Works Director to insure such compliance with the purposes of this ordinance but in no event will such cash deposit or security bond be for an amount in excess of the total estimated cost of the work to be performed. The deposit or bond will be returned to the permittee when the work has been satisfactorily completed. (Ord. 3746 §1, 1975.)

#### **14.32.090 Suspension or Revocation of Permit.**

- (a) The Public Works Director may suspend or revoke a water well permit issued under this ordinance whenever the Public Works Director determines that any work performed under such a permit constitutes a nuisance or when the applicant, his agents or employees or the licensed well drilling contractor performing the work (1) violates any provision of this ordinance or any terms and conditions of the permit or (2) misrepresents any material facts in the application for a permit.
- (b) Before the Public Works Director suspends or revokes a water well permit, the Public Works Director shall make reasonable effort to notify the landowner where the well is located or the licensed well drilling contractor performing work on the well. (Ord. 3746 §1, 1975.)

#### **14.32.100 Appeal.**

Any person whose application for a permit has been denied, granted conditionally or any person whose permit has been suspended or revoked may appeal to the City Council pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 3746 §1, 1975.)

**14.32.110 Public Nuisance.**

Upon finding by the Public Works Director that a well may cause contamination or pollution to the groundwater or is a threat to the public health, safety or welfare, such well shall constitute a public nuisance. The Public Works Director may take any action necessary to abate such public nuisance. The property owner where the well is located and or the permittee for such well shall be liable for any and all costs incurred by or at the request of the Public Works Director for the abatement of such public nuisance. (Ord. 3746 §1, 1975.)

**14.32.115 Emergency.**

In the event of an emergency, a person may construct, modify or repair, destroy or abandon a water well without the permit required by this ordinance providing that (1) such work is performed in conformance with the standards set forth herein, (2) the Public Works Director is notified of such emergency work prior to its commencement and (3) an application for the required permit is made within three (3) City working days after the initiation of such emergency work. (Ord. 3746 §1, 1975.)

**14.32.120 Meters.**

In the event that a meter is not installed on a newly constructed water well the Public Works Director will cause a meter to be installed and recover the costs of such installation from the owner. In the event any water well meter is not properly maintained by the owner, the Public Works Director may perform the necessary maintenance on the meter and recover the costs from the owner. In the event the meter is not read and the amount pumped reported to the Public Works Director, he may cause the meter to be read. (Ord. 3746 §1, 1975.)

**14.32.130 Inspection.**

The Public Works Director may, at any and all reasonable times, enter any and all places, property, enclosures and structures for the purpose of making examinations and investigations regarding the construction, modification or repair, abandonment or destruction of wells. (Ord. 3746 §1, 1975.)

## Chapter 14.33

### WASTEWATER FUND

#### Sections:

#### 14.33.010 Definitions.

#### 14.33.020 Creation of the Wastewater Fund.

#### 14.33.010 Definitions.

Unless the context otherwise requires, the terms used in this Chapter shall have the following meanings:

A. **MAINTENANCE AND OPERATION COSTS OF THE WASTEWATER SYSTEM.** The reasonable and necessary costs spent or incurred by the City for maintaining and operating the Wastewater System, including, but not limited to, the reasonable expenses of maintenance and repair and other expenses necessary to maintain and preserve the Wastewater System in good repair and working order, and including administrative costs of the City attributable to the Wastewater System, salaries and wages of employees, payments to employees' retirement systems (to the extent paid from System Revenues), overhead, taxes (if any), fees of auditors, accountants, attorneys or engineers and insurance premiums, and including all other reasonable and necessary costs of the City or charges required to be paid by it to comply with the terms of any Obligations, but excluding in all cases costs of capital additions, replacements, betterments, extensions or improvements to the Wastewater System which under generally accepted accounting principles are chargeable to a capital account or to a reserve for depreciation, and charges for the payment of principal and interest on any general obligation bond heretofore or hereafter issued for Wastewater System purposes.

B. **OBLIGATIONS.** Either: (a) obligations of the City for money borrowed (such as bonds, notes or other evidences of indebtedness), or as installment purchase payments under any contract, or as lease payments under any financing lease (determined to be such in accordance with generally accepted accounting principles), the principal and interest on which are payable from System Revenues; (b) obligations to replenish any debt service reserve funds with respect to such obligations of the City; (c) obligations secured by or payable from any of such obligations of the City; and (d) obligations of the City payable from System Revenues under (1) any contract providing for payments based on levels of, or changes in, interest rates, currency exchange rates, stock or other indices, (2) any contract to exchange cash flows or a series of payments, or (3) any contract to hedge payment, currency, rate spread or similar exposure, including, but not limited to, interest rate swap agreements and interest rate cap agreements.

C. **QUALIFIED TAKE OR PAY OBLIGATION.** The obligation of the City to make use of any facility, property or services, or some portion of the capacity thereof, or to pay therefor from System Revenues, or both, whether or not such facilities, properties or services are ever made available to the City for use.

D. **SYSTEM REVENUES.** All income, rents, rates, fees, charges and other moneys derived from the ownership or operation of the Wastewater System, including, without limiting the generality of the foregoing:

1. all income, rents, rates, fees, charges, or other moneys derived by the City from the wastewater services or facilities, and commodities or byproducts, sold, furnished or supplied through the facilities of or in the conduct or operation of the business of the Wastewater System, and including, without limitation, investment earnings on the operating reserves to the extent that the use of such earnings is limited to the Wastewater System by or pursuant to law, and earnings on any amounts on deposit in the Wastewater Fund and in any funds established within the Wastewater Fund from time to time, or any funds established in connection with the incurrence by the City of any Obligations;

2. standby charges and capacity charges derived from the services and facilities, sold, furnished or supplied through the Wastewater System;

3. the proceeds derived by the City directly or indirectly from the lease of a part of the Wastewater System;

4. any amount received from the levy or collection of taxes which are solely available and are earmarked for the support of the operation of the Wastewater System;

5. amounts received under contracts or agreements with governmental or private entities and designated for capital costs for the Wastewater System; and

6. grants for maintenance and operations with respect to the Wastewater System, received from the United States of America or from the State of California.

E. **WASTEWATER SYSTEM.** The properties, improvements and works at any time owned, controlled or operated by the City as part of the system of the Wastewater Fund of the City for the collection, storage, treatment, distribution, administration, disposal or discharge of sewage waste and its other commodities or byproducts, whether located within or without the City for public and private use and any related or incidental operations designated by the City as part of the Wastewater System, but excluding any operations exclusively related to reclaimed and re-purified water. (Ord. 5320, 2004.)



#### **14.33.020 Creation of the Wastewater Fund.**

A. **WASTEWATER FUND.** There is hereby created a City "Wastewater Fund." All System Revenues shall be paid over to and deposited in the Wastewater Fund.

B. **USE OF FUND PROCEEDS.** All amounts on deposit in the Wastewater Fund from time to time shall be used only for the following purposes:

1. Payment of Maintenance and Operation Costs of the Wastewater System; and
2. Payment of any Qualified Take or Pay Obligation; and
3. Payment of costs of capital additions, replacements, betterments, extensions or improvements to the Wastewater System, including the purchase or condemnation of lands and other property for Wastewater System purposes; and
4. For the promotion of any of the products or services of the Wastewater System; and
5. Payment of principal and interest (including payments into any reserve or sinking fund) and premiums, if any, upon prepayment thereof, of any Obligations, and any other financing costs related thereto (including the fees and expenses of auditors, accountants, attorneys or engineers incurred in connection with the issuance thereof, and the premium and other expenses of any bond insurance policy and debt service surety bond securing payment thereof); and
6. For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all Obligations.
7. Such transfers to the City General Fund (or other City special fund) as shall be approved from time to time by the City. (Ord. 5320, 2004.)

## Chapter 14.34

### SEWER DEFINITIONS

#### Sections:

<b>14.34.010</b>	<b>Generally.</b>	<b>14.34.080</b>	<b>Public Sewer.</b>
<b>14.34.020</b>	<b>Available Public Sewer.</b>	<b>14.34.090</b>	<b>Public Works Director.</b>
<b>14.34.030</b>	<b>Cesspool.</b>	<b>14.34.100</b>	<b>Septic Tank.</b>
<b>14.34.040</b>	<b>House Connection Sewer.</b>	<b>14.34.110</b>	<b>Domestic Sewage.</b>
<b>14.34.050</b>	<b>Industrial Liquid Waste.</b>	<b>14.34.120</b>	<b>Industrial Waste.</b>
<b>14.34.060</b>	<b>Licensed Contractor.</b>	<b>14.34.130</b>	<b>Premises.</b>
<b>14.34.070</b>	<b>Lot.</b>		

#### **14.34.010 Generally.**

As used in this title, the following words and terms shall for the purposes of this title, have the meanings respectively ascribed to them by this chapter, unless it shall be apparent from the context that a different meaning is intended. (Prior Code §37.8(part).)

#### **14.34.020 Available Public Sewer.**

"Available public sewer" means when a public sewer to a connection could be constructed for a total cost as estimated by the Chief of Building and Zoning based on standard prevailing unit prices of not more than seven hundred fifty dollars (\$750.00) or for a total cost of not more than one thousand dollars (\$1,000.00) when not less than two hundred fifty dollars (\$250.00) is reimbursable under Section 14.52.010. (Prior Code §37.8(part).)

#### **14.34.030 Cesspool.**

"Cesspool" means an excavation in the ground which receives discharge from any sanitary plumbing facilities. (Prior Code §37.8(part).)

#### **14.34.040 House Connection Sewer.**

"House connection sewer" means that portion of the horizontal piping which extends from the public sewer to the street property line or right-of-way. (Prior Code §37.8(part).)

#### **14.34.050 Industrial Liquid Waste.**

"Industrial liquid waste" means any waterborne waste, except domestic sewage. (Prior Code §37.8(part).)

#### **14.34.060 Licensed Contractor.**

"Licensed contractor" means a sewer contractor having a valid license issued pursuant to the Business and Professional Code of the State which license includes the activities listed on the permit applied for. (Prior Code §37.8(part).)

#### **14.34.070 Lot.**

"Lot" means any piece or parcel of land bounded and defined or shown upon a plot or deed recorded in the Office of the Recorder of the County, as a separate or individual parcel, except that in the event any building or structure covers more than a lot, the word "lot" shall include all such pieces or parcels of land upon which such building or structure is wholly or partly located. (Prior Code §37.8(part).)

#### **14.34.080 Public Sewer.**

"Public sewer" means any main line sewer constructed in any street, highway, alley, place or right-of-way dedicated for public use. Such term shall not include house connection sewers. (Prior Code §37.8(part).)

#### **14.34.090 Public Works Director.**

"Public Works Director" means any official agent, branch or function of the City responsible for the design, construction, maintenance and operation of sanitary sewers in the City. It shall include all officers, agents and employees engaged in sewer services. (Prior Code §37.8(part).)

**14.34.100 Septic Tank.**

"Septic tank" means a structure for private treatment for sewage before disposal into a cesspool, seepage hole or leaching system. (Prior Code §37.8(part).)

**14.34.110 Domestic Sewage.**

"Domestic sewage" means any and all waste substance, liquid or solid, associated with human habitation. (Ord. 3154 §1(a), 1966.)

**14.34.120 Industrial Waste.**

"Industrial waste" means any and all liquid or solid waste substance, not domestic sewage, from any producing, manufacturing or processing operation of whatever nature. (Ord. 3154 §1(b), 1966.)

**14.34.130 Premises.**

"Premises" means any lot, parcel of land, building or establishment. (Ord. 3154 §1(c), 1966.)

## Chapter 14.36

### GENERAL PROVISIONS FOR SEWERS

#### Sections:

<b>14.36.010</b>	<b>Delegations of Power.</b>	<b>14.36.060</b>	<b>Who May Do Work Under Title - Work to be Subject to Inspection and Approval.</b>
<b>14.36.020</b>	<b>Restrictions on Allowance of Variances from Title.</b>	<b>14.36.070</b>	<b>Notice to Remedy House Connection Sewer Deficiency.</b>
<b>14.36.030</b>	<b>Conformance of Facilities to Title - New Facilities.</b>	<b>14.36.080</b>	<b>Standards for Plans - Approval.</b>
<b>14.36.040</b>	<b>Conformance - Remodeling.</b>		
<b>14.36.050</b>	<b>Records.</b>		

#### **14.36.010 Delegations of Power.**

Whenever a power is granted to or imposed upon the Public Works Director under this title, such power may be exercised or the duty may be performed by a deputy or an authorized person unless this title expressly provides otherwise. (Prior Code §37.9.)

#### **14.36.020 Restrictions on Allowance of Variances from Title.**

Whenever the Public Works Director is permitted by this title to grant an exception to any of the requirements of this title, such exceptions shall be granted by him, only if he finds that literal compliance is impossible or impractical because of peculiar conditions, in no way, the fault of the person requesting such exceptions, and that the purpose of this title may be accomplished and public health and safety secured by alternative construction or procedure, in which case the Public Works Director may permit such alternative construction or procedure. (Prior Code §37.10.)

#### **14.36.030 Conformance of Facilities to Title - New Facilities.**

All new public sewers, house connection sewers, sewage pumping plants and industrial liquid wastes pre-treatment plants shall conform to the requirements of this title unless specifically excepted. (Prior Code §37.11.)

#### **14.36.040 Conformance - Remodeling.**

All remodeling of existing public sewers, house connection sewers, sewage pumping plants, and industrial liquid wastes pre-treatment plants shall conform to the requirements of this title, unless specifically excepted. (Prior Code §37.12.)

#### **14.36.050 Records.**

The Public Works Director shall keep a permanent record of all permits issued and all plans requiring approval under the provisions of this title. The Public Works Director shall establish and maintain accurate records indicating all sewers constructed under the so-called 1911 Act or other assessment district proceedings and the properties assessed therefor and accurate record of all sewers constructed hereafter with public funds and accurate records of all main line sewers constructed hereafter with private funds, and the person or properties originally benefiting from and responsible for the financing of such sewers. (Prior Code §37.13.)

#### **14.36.060 Who May Do Work Under Title - Work to be Subject to Inspection and Approval.**

All work permitted under the provisions of this title shall be constructed by a licensed contractor and shall be subject to inspection by and shall meet the approval of the Public Works Director. (Prior Code §37.14.)

#### **14.36.070 Notice to Remedy House Connection Sewer Deficiency.**

In the event that a house connection sewer fails to pass inspection and is placed in use, the permittee shall be given notice in writing of such failure to pass inspection and shall within ten (10) days from the date of such notice make the construction conform to the requirement of this title. (Prior Code §37.15.)

**14.36.080 Standards for Plans - Approval.**

All plans required under provisions of this title for the construction of public sewers, industrial liquid waste pre-treatment plants and when required by the Public Works Department, house connection sewers shall conform to standards of design set forth by the Public Works Director and shall be approved by the Public Works Director before a construction permit is issued. All work done under the provisions of this title shall meet all of the requirements of this Code and shall meet all applicable requirements of all other ordinances of the City pertaining hereto and shall meet all of the requirements of the general specifications for street improvement work and all such work shall be approved by the Public Works Director before being placed in service. (Prior Code §37.16.)

## **Chapter 14.40**

### **SEWER SERVICE CHARGES**

#### **Sections:**

<b>14.40.005</b>	<b>Statement of Policy.</b>	<b>14.40.040</b>	<b>Administration.</b>
<b>14.40.010</b>	<b>Schedule of Charges.</b>	<b>14.40.050</b>	<b>Inspection.</b>
<b>14.40.020</b>	<b>Billing.</b>	<b>14.40.060</b>	<b>Water Meters.</b>
<b>14.40.030</b>	<b>Collection.</b>	<b>14.40.070</b>	<b>Uses Not Classified.</b>
<b>14.40.035</b>	<b>Termination of Water Service for Delinquency in Paying Sewer Service Charges.</b>		

#### **14.40.005 Statement of Policy.**

Recognizing that the presently existing order of the Regional Water Quality Control Board, pursuant to California State Water Code Sections 13020, et seq., forbidding new sewer connections in this City will require placing upon the ballot for action of the electorate, at the time of the general election of November 7, 1972, a proposition authorizing the issuance of revenue bonds to construct and maintain a new waste water reclamation plant, the City Council finds it necessary to public welfare to provide increased sewer service charges for bond service and operation and maintenance of the said new plant to be proposed. Alternatively, if the said proposition fails of passage, the said increased rates will be required for a period of one (1) year in order to liquidate contractual obligations of the City for engineering services rendered or to be rendered in connection with construction of the waste water reclamation plant to be proposed. (Ord. 3544 §1(part), 1972.)

#### **14.40.010 Schedule of Charges.**

There is hereby levied and imposed upon the owner or occupant of any premises within the City, having a sewer connection with the sewerage system of the City, or otherwise discharging domestic sewage or industrial waste which ultimately passes through the City sewerage system, a sewer service charge as established by resolution of the City Council. (Ord. 3810, 1975.)

#### **14.40.020 Billing.**

The charges for sewer service shall be added to and collected with the charges for water service furnished by the City to the premises. The charges shall be billed upon the same bill as submitted for the charges for water services and shall be due and payable at the same time and in the same manner that such charges for water service are due and payable; providing however, separate bills are to be prepared for premises connected to the sanitary sewer system of the City which are not provided water service by the City. (Ord. 4250, 1984; Ord. 3154 §3, 1966.)

#### **14.40.030 Collection.**

Any amount due for sewer service under this chapter shall be deemed a debt to the City, and any owner or occupant neglecting or refusing to pay the indebtedness shall be liable in an action in the name of the City in any court of competent jurisdiction for the amount. (Ord. 3154 §4, 1966.)

#### **14.40.035 Termination of Water Service for Delinquency in Paying Sewer Service Charges.**

If any bill for sewer service charges is not paid within twenty (20) days after its mailing date, water service to the consumer may be terminated in the same manner as provided in §14.16.010 and §14.16.020. (Ord. 4250, 1984; Ord. 3625 §1, 1974.)

#### **14.40.040 Administration.**

It shall be the duty and the responsibility of the Finance Director to administer the provisions of this chapter. (Ord. 3154 §5, 1966.)

#### **14.40.050 Inspection.**

Authorized personnel of the City shall have the right of entry at any reasonable time for the purpose of inspecting any premises to determine compliance with the provisions of this chapter. (Ord. 3154 §6, 1966.)

**14.40.060 Water Meters.**

The City may require the owner or occupant of any premises using a private water supply or a combination of City water and private water supply to install a meter to determine the total quantity of water used in the event the owner or occupant is to be billed on the basis of water consumption. (Ord. 4250, 1984; Ord. 3154 §7, 1966.)

**14.40.070 Uses Not Classified.**

For premises having a sewer connection for which a specific classification for sewer service charges has not been set forth in Section 14.40.010, the Finance Director shall charge such rates as he deems applicable for the type of use being made of the premises in relation to the uses made of classified premises and the rates fixed for the classified premises. (Ord. 3154 §8, 1966.)

## Chapter 14.44

### SEWER CONNECTIONS AND USE

#### Sections:

<b>14.44.010</b>	<b>Connection to Public Sewer - Required When Sewer Available.</b>	<b>14.44.150</b>	<b>Maintenance Generally Not to Obstruct Public Sewer Flow.</b>
<b>14.44.020</b>	<b>When Sewer Not Available.</b>	<b>14.44.160</b>	<b>Maintenance of Private Systems, Etc.</b>
<b>14.44.030</b>	<b>When Connection to Approved Private Sewage Disposal System Required.</b>	<b>14.44.170</b>	<b>Inspections - Access to Premises.</b>
<b>14.44.035</b>	<b>Connection to Private System - Written Agreement Required.</b>	<b>14.44.180</b>	<b>Septic Tank, Etc., to be Abandoned When Main Line Connection Obtained.</b>
<b>14.44.060</b>	<b>Connections Letting Roof, Etc., Water Into Sewers.</b>	<b>14.44.190</b>	<b>Procedure to Effect Abandonment of Septic Tank, Etc.</b>
<b>14.44.140</b>	<b>Entering, Etc., Sewers, Etc.</b>		

#### **14.44.010 Connection to Public Sewer - Required When Sewer Available.**

All plumbing which receives the waste discharge from any building, structure or place of business, shall be connected to a public sewer.

All plumbing receiving waste discharge which is connected to a private disposal system shall be connected to a public sewer within one (1) year after a public sewer becomes available. (Prior Code §37.17.)

#### **14.44.020 When Sewer Not Available.**

The connection to a public sewer required by Section 14.44.010 may be dispensed with when no public sewer is available and when, in the opinion of the Health Officer of the County, a private sewage disposal system would be adequate and safe and would not constitute a menace to public health. (Prior Code §37.18.)

#### **14.44.030 When Connection to Approved Private Sewage Disposal System Required.**

All plumbing receiving waste discharge which is not connected to a public sewer shall be connected to a private sewage disposal system approved by the Chief of Building and Zoning and Health Officer of the County. (Prior Code §37.19.)

#### **14.44.035 Connection to Private System - Written Agreement Required.**

As a condition to the approval of the connection of property situated outside the corporate limits of the City to the City sanitary sewer system, the owner of such property, or his authorized agent, shall be required to enter into a written agreement with the City of Santa Barbara which includes at least the following provisions:

- (1) A provision that the connection shall be at the sole expense of the applicant;
- (2) A provision that the property owner or his successors in interest shall pay the monthly fee or charge applicable;
- (3) Provisions for the default and termination of the agreement;
- (4) A provision that the agreement shall be recorded and that it shall run with the land and be binding on all successors in interest of the contracting owner;
- (5) A provision that in the event the property being served by such sanitary sewer connection be proposed for annexation to the City under proceedings initiated by property owner petition or otherwise, the contracting party expressly waives any right of protest to such annexation, except that such party shall have the right to be heard in any hearing in which zoning of the subject property is being considered; and
- (6) A provision that upon annexation of the property, the contracting owner or his successor in interest shall pay the annexation fees provided by Chapter 4.04 regardless of whether the annexation is initiated by property owner petition or by motion of the City Council. (Ord. 3721 §1, 1975.)

#### **14.44.060 Connections Letting Roof, Etc., Water Into Sewers.**

No person shall make or maintain any connection by pipes or otherwise with any public sewer by which roof or surface water may run into any such sewer. (Prior Code §37.22.)



#### **14.44.140 Entering, Etc., Sewers, Etc.**

No person shall, without authorization from the Public Works Director, open, enter, disturb or clean any public sewer, structure or appurtenance thereto. (Prior Code §37.2.)

#### **14.44.150 Maintenance Generally Not to Obstruct Public Sewer Flow.**

No person shall do, or cause to be done, any maintenance which would damage or obstruct the flow of any public sewer. (Prior Code §37.3.)

#### **14.44.160 Maintenance of Private Systems, Etc.**

It shall be the responsibility of each property owner whose property is connected to the City sewer system to maintain continuously and satisfactorily in operation at his own expense, any house connection sewer, private sewage disposal system or industrial liquid waste pre-treatment facility.

Failure to maintain such industrial liquid waste pre-treatment facilities shall be sufficient for immediate revocation of the industrial liquid waste permit of the person so failing and disconnection of his premises from the public sewer.

Users of private sewer disposal systems shall keep all cleanout caps and other access ports in place and properly sealed. (Ord. 5340, 2004; Prior Code §37.4.)

#### **14.44.170 Inspections - Access to Premises.**

The Public Works Director or the Health Officer of the County or any authorized representative of either the Public Works Department or the Health Department is hereby authorized to make such inspections as such Department may deem necessary at any reasonable time in any building, premises or lot for any of the purposes hereinafter mentioned in this section. No person shall interfere with, prevent or refuse to permit such authorized persons to enter any building, premises or lot at any reasonable time for any of the following purposes:

- (1) To determine the size, depth and location of any sewer connection.
- (2) To determine the outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached thereto and flushing the same, if necessary.
- (3) To determine by measurements and samples the quantity and nature of the sewage or waste water being discharged into any sewer.
- (4) To determine the location of the roof, swimming pool, floor and surface drains and whether or not they connect to a sewer. (Prior Code §37.5.)

#### **14.44.180 Septic Tank, Etc., to be Abandoned When Main Line Connection Obtained.**

When a house connection sewer is constructed connecting to a main line sewer, a house sewer which previously drained to a septic tank or cesspool, the septic tank or cesspool shall be abandoned and no portion of the house sewer shall then pass through or connect to such septic tank or cesspool. (Prior Code §37.6.)

#### **14.44.190 Procedure to Effect Abandonment of Septic Tank, Etc.**

When any septic tank or cesspool is abandoned, the top of such septic tank or cesspool shall be removed and the tank or cesspool shall be drained and filled with fine earth or sand and compacted and any pipes connecting to such tank or cesspool shall be cut directly outside of the tank or cesspool and shall be plugged with concrete. The abandonment of the septic tank or cesspool shall be complete before the house connection constructed shall be considered to have completely passed inspection. (Prior Code §37.7.)

## Chapter 14.48

### SEWER PERMITS

#### Sections:

<b>14.48.010</b>	<b>Required Generally.</b>	<b>14.48.130</b>	<b>Connections Permit - Issuance.</b>
<b>14.48.020</b>	<b>Connection Permit - Application.</b>	<b>14.48.140</b>	<b>Contents - When Work Must be Started - How Work to be Done.</b>
<b>14.48.070</b>	<b>Fees and Deposits - Permit for House Connections for Non-Participating Properties Generally.</b>	<b>14.48.150</b>	<b>Permit - When Not Required.</b>
<b>14.48.080</b>	<b>Permit for House Connections for Non-Participating Properties to Sewers Constructed Pursuant to Chapter.</b>	<b>14.48.160</b>	<b>Permit - Revocation, Etc., in Case of Industrial Waste Connection.</b>
<b>14.48.090</b>	<b>When Fee Amount Doubled.</b>	<b>14.48.170</b>	<b>Permit - Approval of Pre-Treatment Facility Plans, Etc.</b>
<b>14.48.100</b>	<b>Bonds in Lieu of Cash Deposits.</b>	<b>14.48.180</b>	<b>Permit - Required.</b>
<b>14.48.110</b>	<b>Reimbursing City for Plan Checking, Etc., Refund, Etc.</b>	<b>14.48.190</b>	<b>Permit - Application.</b>
<b>14.48.120</b>	<b>When No Fees Payable.</b>	<b>14.48.200</b>	<b>Permit - Soil Test - Health Department Approval of System.</b>
		<b>14.48.210</b>	<b>Private Disposal - Issuance.</b>
		<b>14.48.220</b>	<b>Permit - When to be Denied.</b>

#### **14.48.010 Required Generally.**

It shall be unlawful for any person, other than persons specifically permitted, excepted by this chapter, to do or cause to be done, or construct or cause to be constructed, or use or cause to be used, or alter or cause to be altered, any public sewer, house connection sewer or industrial liquid waste pre-treatment plant system, or other similar appurtenances without first obtaining from the Public Works Director a written permit to construct or use such facilities, and paying all fees and deposits as required by resolution. (Prior Code §37.30.)

#### **14.48.020 Connection Permit - Application.**

The Public Works Director before issuing such permits as are required by Section 14.48.010 shall require a written application to be made and filed. In such application shall be set forth the name and residence or business address of the person making such application and, in detail, the location, description, work to be done or facilities to be used, the legal owner of the property to be served and any other information deemed necessary by the Public Works Director to determine that the proposed work or use complies with the provisions of this chapter. (Prior Code §37.31.)

#### **14.48.070 Fees and Deposits - Permit for House Connections for Non-Participating Properties Generally.**

Before issuing any house connection sewer permit to connect to a public sewer from a property benefited by such sewer which has not participated in paying the cost of constructing such sewer, the Public Works Director shall collect a connection charge for each connection to any sewer which has been constructed and financed by one (1) of the following methods:

(1) A 1911 Act or other special assessment district, with charges and assessments against properties other than the property to be connected, where such 1911 Act or other special assessment sewer district is formed after the effective date of this chapter.

(2) A publicly financed sewer, constructed after the effective date of this chapter.

(3) A privately financed sewer paid for by person or properties other than the person or properties desiring connection, and constructed after the effective date of this chapter under a plan submitted to and approved by the City.

The connection charge to be collected under this section shall be equal to the cost to a similar individual property based on the actual cost of constructing the public sewer as estimated by the Public Works Director or as recorded on the assessment roll if the relative sewer was constructed under the so-called 1911 Assessment Act proceedings, but shall in no case be less than three hundred fifty dollars (\$350.00), except that if, connection to any one (1) of the three (3) types of systems described in Subsections (1), (2) or (3) of this section, is made by means of a main line extension of fifty feet (50') or more in length the Public Works Director may waive a portion or all of the special three hundred fifty dollar (\$350.00) connection fee and charge only a portion of that fee, or the standard ten dollar (\$10.00) connection fee. (Prior Code §37.36.)

**14.48.080 Permit for House Connections for Non-participating Properties to Sewers Constructed Pursuant to Chapter.**

Before issuing any house connection sewer permit to connect to a public sewer constructed under a sewer extension agreement provided for in Section 14.48.010 by a property which did not participate in the cost of constructing such public sewer the Public Works Director shall collect the charges set forth in the sewer extension agreement, which fee shall be in addition to and not excuse the permittee from any of the requirements of Section 14.48.060. (Prior Code §37.37.)

**14.48.090 When Fee Amount Doubled.**

If a connection is made to a public sewer prior to securing of the permit required by Section 14.48.010, all applicable fees under Sections 14.48.030 - 14.18.120 shall be in an amount that is twice the amount otherwise required by Section 14.48.010. (Prior Code §37.38.)

**14.48.100 Bonds in Lieu of Cash Deposits.**

In lieu of any cash deposit required by this chapter a good and sufficient corporate surety bond may be given by the permittee under this chapter in the amount of one thousand five hundred dollars (\$1,500.00) or more; provided, that the amount of such bond is not less than the total amount of the required deposit. Such bond shall be conditioned upon the payment of all charges required by this chapter and the faithful and proper performance of the work. (Prior Code §37.39.)

**14.48.110 Reimbursing City for Plan Checking, Etc. - Refund, Etc.**

Before acceptance of any work for which a bond or deposit is required to cover the actual cost of plan checking, processing, inspection and replacement, the actual cost to the City for such plan checking, processing, inspection and replacement shall be computed. If such actual cost exceeds the amount of the deposit or bond, the applicant shall pay any additional amount to cover the actual cost.

If such actual costs as computed are less than the amount of any deposit required herein, any excess shall be refunded to the applicant. The actual cost to the City for plan checking, processing and inspection shall be as fixed by resolution. The actual cost to the City for replacement shall mean the cost of replacing any existing improvements damaged and not repaired or replaced by the applicant for a permit under this chapter and shall mean the cost of completing any work left incomplete by the applicant at the expiration of the permit. (Prior Code §37.42.)

**14.48.120 When No Fees Payable.**

This chapter shall not be construed to require payment of fees where collection of any such fee is prohibited by Section 6103 of the Government Code or by any other statute of the State.

This chapter shall not be construed to require payment of fees set forth in Section 14.48.060 for any connection which is made to a public sewer which was constructed under a 1911 Act Assessment District; provided, that such connection is made to a property included in the assessment district and is completed within one (1) year of the date of acceptance of such sewer by the City. (Prior Code §37.41.)

**14.48.130 Connections Permit - Issuance.**

Upon receiving a written application, as provided for in Section 14.48.020, and the fee and bond or deposit required by Sections 14.48.030 - 14.48.120, the Public Works Director shall issue a written permit to construct or use the relative sewer or treatment facilities. (Prior Code §37.42.)

**14.48.140 Contents - When Work Must be Started - How Work to be Done.**

A permit issued pursuant to Section 14.48.130 shall state whether the work to be done is covered by deposit or bond, the amount of such deposit or bond, the amount of each fee required by Sections 14.48.030 - 14.48.120 and such permit shall be a receipt therefor. The permit shall also state the name and address of the permittee, the owner of the property to be served, and the location and extent of the work or connection to be done. Every such permit for construction or connection shall be void unless construction pursuant to such permit is commenced within sixty (60) days of the date of such permit for house connection or within one (1) year of the date of such permit for public sewers and the work diligently prosecuted strictly pursuant to City specifications. (Prior Code §37.43.)

#### **14.48.150 Permit - When Not Required.**

The provisions of this chapter requiring permits for construction of sewers and appurtenances shall not apply to contractors constructing public sewers and appurtenances under contracts awarded and entered into under the proceedings had or taken pursuant to any special procedure statute of the State providing for the construction of sewers and assessing the expenses thereof against the properties benefited thereby, or under contracts between a contractor and the City. (Prior Code §37.44.)

#### **14.48.160 Permit - Revocation, Etc., in Case of Industrial Waste Connection.**

The Public Works Director may revoke the permit issued under this chapter for and may disconnect from the public sewer any industrial liquid waste connection which is constructed or connected without the proper permit, or which is used in violation of the provisions of this title governing industrial liquid wastes. (Prior Code §37.45.)

#### **14.48.170 Permit - Approval of Pre-Treatment Facility Plans, Etc.**

Plans and specifications of all industrial waste pre-treatment facilities shall be approved by the Public Works Director before any permit is issued for construction of such facilities. (Prior Code §37.46.)

#### **14.48.180 Permit - Required.**

It shall be unlawful for any person to construct, alter, put into use or cause to be used any private sewage disposal system, septic tank or cesspool without first obtaining from the Chief of Building and Zoning a written permit to construct or use such disposal facilities, paying the required fees to cover the cost of inspection and incidental expenses in connection therewith. (Prior Code §37.47.)

#### **14.48.190 Permit - Application.**

The Chief of Building and Zoning before issuing a permit required by Section 14.48.180 shall require a written application to be made and filed, in which application is set forth the name and address of the person making such application and which states in detail the location and description of the work to be done and the facilities to be used and any other information deemed necessary by the Chief of Building and Zoning to determine whether the proposed work or use complies with the provisions of this Code and other ordinances of the City providing for construction of sewage disposal systems on private property. (Prior Code §37.48.)

#### **14.48.200 Permit - Soil Test - Health Department Approval of System.**

Before issuing any permit under this chapter the Chief of Building and Zoning may require the applicant to furnish a report prepared by a registered, practicing civil engineer which may include soil tests, percolation tests, geological data and design of a disposal system based on such data which indicates that adequate capacity and percolation or leaching system is provided, and when deemed necessary by the Chief of Building and Zoning may require that such disposal system design be approved by the Health Department. (Prior Code §37.49.)

#### **14.48.210 Private Disposal - Issuance.**

Upon receipt of a written application, payment of all the required fees and approval of such application as provided for in Sections 14.48.180 - 14.48.200, the Chief of Building and Zoning shall issue a written permit to construct or put into use such private disposal facilities. (Prior Code §37.50.)

#### **14.48.220 Permit - When to be Denied.**

No permit shall be issued for installation, repair or alteration of any private sewage disposal system when a public sewer is available, except as provided in Section 14.44.020. (Prior Code §37.51.)

## Chapter 14.52

### SEWER EXTENSIONS

#### Sections:

<b>14.52.010</b>	<b>Purpose of Chapter.</b>	<b>14.52.080</b>	<b>Collecting Costs from Benefited Property Owners.</b>
<b>14.52.020</b>	<b>Trust Fund Created.</b>	<b>14.52.090</b>	<b>Allocation of Cost to Owners of Private Sewers.</b>
<b>14.52.030</b>	<b>Submission of Application and Supporting Data - Deposit.</b>	<b>14.52.100</b>	<b>Refunds - Generally.</b>
<b>14.52.040</b>	<b>Determination of Application, Etc.</b>	<b>14.52.110</b>	<b>Refund - Limitations.</b>
<b>14.52.050</b>	<b>Final Settlement of Installation, Etc. - Costs - Generally.</b>	<b>14.52.120</b>	<b>Temporary Contribution by City.</b>
<b>14.52.070</b>	<b>Recording Cost Data on Map.</b>		

#### **14.52.010 Purpose of Chapter.**

The purpose of this section is to provide expedient means of financing sewer construction in cases where the property owner does not desire to proceed under the 1911 Improvement Act or other special assessment proceedings or where the property owner does not desire other financing, and yet provide equitable pro-ratio of cost within a reasonable period of time among the parcels of real property benefited. Proceedings under this section for the original contributors are purely voluntary, but are compulsory when sewer connections are made by the properties benefited for which there was no initial contribution. (Prior Code §37.52.)

#### **14.52.020 Trust Fund Created.**

There is hereby established and created a special trust fund in the Office of the City Treasurer which shall be known and designated as "Public Sewer Extension and Connection Trust Fund". (Prior Code §37.53.)

#### **14.52.030 Submission of Application and Supporting Data - Deposit.**

Owners of real property within the City desiring to have the City sewer system extended in accordance with the provisions of this chapter shall make written application therefor to the Public Works Department, which application shall be accompanied by the following:

(1) Completed plans and specifications and proposal agreement for the construction of such sewer prepared by a registered civil engineer.

(2) A map showing the sewer extension and all properties directly benefited by the sewer extension. Those properties which can connect thereto with a side sewer not exceeding two hundred twenty-five feet (225') in length, and which cannot be more readily served with other existing sewers, shall be considered as benefiting properties within the meaning of this chapter.

(3) A deposit equal to the total cost of the sewer extension as estimated by the Public Works Director plus the estimated cost of plan checking, processing and inspection.

(4) A letter of participation, signed by the applicant and any other contributors to the project, which shall give a description of all properties benefited by the sewer extension that are contributing to the cost of constructing the sewer. (Prior Code §37.54.)

#### **14.52.040 Determination of Application, Etc.**

The Public Works Department after receiving the application, plans, specifications, proposal agreement and map, deposit and letter of participation required by Section 14.52.030 and after approving such plans, specifications, proposal agreement and application, shall submit a written report to the City Administrator concerning the feasibility and practicality of the proposed sewer extension, and the estimated cost of the project including all incidental expenses. Upon receipt of the report from the Public Works Director, the City Administrator shall make his recommendations to the City Council for its consideration. The City Council shall fix a date upon which it shall hold a hearing to determine whether or not the application submitted pursuant to Section 14.52.030 shall be granted. The Public Works Director, prior to such hearing, shall notify each owner of property which would be benefited by the sewer extension that application has been filed to extend the sewer under the provisions of this chapter and shall notify each, of the date and time of such hearing. If the City Council approves such sewer extension application, an appropriate resolution shall be adopted authorizing the construction of such extension, to be financed from the money deposited by the applicant pursuant to Section 14.52.030. If the City Council does not approve the sewer extension application, the total deposit made by the applicant shall be returned to the applicant. The City Council shall authorize the City Administrator to advertise for sealed proposals to be opened before the City Council for extension work authorized pursuant to Section 14.52.030. The contract for the construction of the sewer extension shall be left to the lowest responsible bidder subject to the approval of the City Council. (Prior Code §37.55.)

#### **14.52.050 Final Settlement of Installation, Etc. - Costs - Generally.**

Upon completion and acceptance of a sewer extension applied for under this chapter by the City Council, the Public Works Department shall prepare a cost distribution determination which shall include the final costs of such sewer construction and the pro-rated distribution of that cost to the various parcels of property benefited by the same. Such distribution of costs shall be made either on the basis of area or building sites or both, as may be determined by the Public Works Director to be the most equitable method. Upon completion of the cost distribution schedule, the Public Works Director shall submit a report to the City Administrator for his approval and recommendation to the City Council. If the City Council approves the proposed cost distribution, the Public Works Director shall prepare a written statement to be sent to the applicant for a sewer extension under this chapter which shall include the amount of the original deposit, the final costs of the sewer construction, the cost of plan checking, processing and inspection, the cost distribution, and any excess or deficiency in the original deposit, and shall deliver such statement together with any excess money or with a demand for payment of any deficiency to such applicant. (Prior Code §37.56.)

#### **14.52.070 Recording Cost Data on Map.**

Upon approval of the cost distribution schedule required by Section 14.52.050 by the City Council, the Public Works Department shall record upon the map required by Section 14.52.030 showing the properties benefiting from the sewer extension, all properties which participated in the cost of the relative sewer extension, and the pro-rated cost distribution to each property benefited thereby and shall file with the City Clerk, City Treasurer and the Public Works Director a copy of such map together with a written statement which shall include the final cost distribution schedule described in Section 14.52.030. (Prior Code §37.58.)

#### **14.52.080 Collecting Costs from Benefited Property Owners.**

Whenever the sewer system of the City has been extended in accordance with the provisions of this chapter, any owner of property benefited as shown on the map described in Section 14.52.030, or his successor in interest, who has not previously contributed his proportionate share of the cost of the sewer extension to the amount set forth in the approved cost distribution schedule mentioned in Section 14.52.050 shall not be permitted to connect with such sewer until he shall have paid into the Public Sewer Extension Trust Fund the amount in cash due by him as recorded on such map. All such payments shall be in addition to all permit fees required by this title and all other effective City ordinances. (Prior Code §37.59.)

#### **14.52.090 Allocation of Cost to Owners of Private Sewers.**

Any property owner in any public sewer extension district created under this chapter who has, previous to installation of the relative sewer extension, constructed a private sewer line to or for his property, at his own expense, shall not be required to contribute to the cost of such public sewer extension, except where such property derives increased benefits therefrom as shall be determined by the Public Works Director and as approved by the Council in the resolution granting the sewer extension application. Such property owner shall pay the amount so determined before connecting his property to the public sewer extension. (Prior Code §37.60.)

#### **14.52.100 Refunds - Generally.**

Periodically, but not more than twice a year, the City Treasurer shall pay and refund out of the Public Sewer Extension and Connection Trust Fund to the person originally paying for the sewer, or his heirs or assigns, his proportionate share of the money paid into such Trust Fund by subsequent property owners who did not participate in the original cost and who were given permits to connect to the extended sewer and who paid as provided in the approved cost distribution schedule referred to in Section 14.52.050. Payments under this section by the City shall be made to the person originally paying for such sewer at his address appearing in the records of the Public Works Department, and shall constitute a discharge of its duty hereunder to pay as to all sums so paid unless the City shall have received and consented to an assignment of such right to another which shall set forth the assignee's name and payment address. (Prior Code §37.61.)

#### **14.52.110 Refund - Limitations.**

Any claim by a property owner contributing under this chapter or his assignee for a refund which is payable out of the Public Sewer Extension and Connection Trust Fund shall be made within a period of twenty (20) years from the date of the original contribution. All moneys remaining in the Fund after such twenty (20) years shall have elapsed from the time of its deposit shall forthwith be deposited into the General Fund of the City. (Prior Code §37.62.)

#### **14.52.120 Temporary Contribution by City.**

Whenever due to economic impossibility, unique hardship, or special or insurmountable circumstances shall operate to prevent an otherwise feasible and approved sewer extension project, City may temporarily advance funds toward any project provided that the amount of such temporary contributions shall not exceed twenty percent (20%) of the engineer's estimate for the project, and further provided that the City shall participate first in proceeds received by the City from persons connecting benefiting lots who have not contributed their proportionate share according to the approved cost distribution.

If a temporary contribution has been advanced by the City hereunder, all sums received from later connections by benefited property owners who have not heretofore paid shall be paid into the General Fund of the City until the City's contribution has been repaid in full, and thereafter such sums shall be paid into the Sewer Extension Trust Fund as provided in Section 14.52.080 and shall be disbursed in accordance with Section 14.52.100. (Ord. 2606 §1, 1957; prior Code §24.1, 1956.)

## Chapter 14.56

### NATURAL WATERCOURSES AND STORM DRAIN SYSTEM

#### Sections:

<b>14.56.010</b>	<b>Definitions.</b>	<b>14.56.100</b>	<b>Issuance of Permit Not an Assumption of Liability, Etc., by City.</b>
<b>14.56.020</b>	<b>Watercourses - Obstructions, Etc., by Matter Unlawful.</b>	<b>14.56.120</b>	<b>Installing Pipe, Etc., in Intermediate Watercourses - Permit Required.</b>
<b>14.56.030</b>	<b>Allowing Rubbish, Garbage, Debris, Etc. to Obstruct.</b>	<b>14.56.130</b>	<b>Installation Permit - Plan, Etc., Required.</b>
<b>14.56.040</b>	<b>Fill Material.</b>	<b>14.56.140</b>	<b>Inspection - Approval Generally.</b>
<b>14.56.050</b>	<b>Obstruction, Etc., by Buildings, Etc.</b>	<b>14.56.150</b>	<b>Approval Not a Guarantee.</b>
<b>14.56.060</b>	<b>Duties of Street Superintendent.</b>	<b>14.56.180</b>	<b>Design, Etc., Standards.</b>
<b>14.56.070</b>	<b>Connecting with City Drain System - Permit Required.</b>	<b>14.56.190</b>	<b>Enforcement of Chapter.</b>
<b>14.56.080</b>	<b>Connection Permit - Plan Required - Exception to Plan Requirement.</b>		
<b>14.56.090</b>	<b>Connection Permit - Issuance Generally.</b>		

#### **14.56.010 Definitions.**

As used in this chapter the following terms shall have the meanings respectively ascribed to them by this section:

(1) "City storm drain system" means all pipes, structures and street appurtenances located within public right-of-way or easements and designed for the purposes of carrying storm waters.

(2) "Watercourse" means a creek, arroyo, gulch, wash and the bed thereof whether containing water or dry. It shall also mean a natural swale or depression which contains and conveys surface water during or after rain storms. (Prior Code §37.63.)

#### **14.56.020 Watercourses - Obstructions, Etc., by Matter Unlawful.**

It shall be unlawful for any person to dump or place, or to permit to be dumped or placed, deposited, maintained or accumulated in any watercourse, on public or private property, within the corporate limits of the City, or in the City's storm drain system, any debris, garbage, rubbish, trash, brush, timber, waste products or any combustible or incombustible material or commodity whatsoever, which obstructs, prevents, diverts or tends to obstruct, prevent or divert, the normal, natural or ordinary flow of water in such watercourse or storm drain system or which at any time may be in such watercourse or storm drain system. (Ord. 2931 §2(part), 1963; prior Code §§37.64, 44.58(part).)

#### **14.56.030 Allowing Rubbish, Garbage, Debris, Etc. to Obstruct.**

It shall be unlawful for any person owning or having control or possession of all, or any part of any watercourse on private property within the corporate limits of the City, to permit, maintain, retain or allow to remain in any such watercourse, or any part thereof, any debris, garbage, rubbish, trash, brush, timber, waste products, or any combustible or incombustible material or commodities whatsoever, which obstructs, prevents, diverts or tends to obstruct, prevent or divert the normal, natural or ordinary flow of water in such watercourse, or which at any time may be in such watercourse whether or not the same has been previously dumped, placed, deposited, maintained or accumulated therein by reason of any act or omission of such person, or by anyone else with or without the knowledge, consent or permission of such person, and regardless of the cause or reason for the existence of the same in such watercourse. (Ord. 2931 §2(part), 1963; prior Code §§37.64, 44.58(part).)

#### **14.56.040 Fill Material.**

The placement of any fill material in any natural watercourse without provision for drainage conduit of adequate size and strength to replace the existing natural watercourse capacity, so as to provide sufficient capacity for storm waters of the contributing drainage area and so as to withstand the fill and building loads which may be placed thereon, shall be considered an unlawful obstruction of a natural watercourse. (Prior Code §37.65.)



#### **14.56.050 Obstruction, Etc., by Buildings, Etc.**

It shall be unlawful for any person to construct or maintain, or to permit to be constructed or maintained, in any watercourse, on public or private property, within the corporate limits of the City, any building or structure which obstructs, prevents or diverts, or tends to obstruct, prevent or divert the normal, natural or ordinary flow of water in such watercourse, or which at any time may be therein, in such manner as to endanger, or tending to endanger public property, including bridges, roads, buildings, structures or facilities, or the land crops, buildings or structures of other persons. (Ord. 2931 §2(part), 1963; prior Code §§37.66, 44.59.)

#### **14.56.060 Duties of Street Superintendent.**

It is the duty of the Street Superintendent to enforce all of the provisions of this chapter. (Ord. 2931 §2(part), 1963; prior Code §44.60.)

#### **14.56.070 Connecting with City Drain System - Permit Required.**

It shall be illegal for any person to connect any drainage pipe to the City storm drain system, without obtaining a permit therefor from the Public Works Director. (Prior Code §37.67.)

#### **14.56.080 Connection Permit - Plan Required - Exception to Plan Requirement.**

Such permit as required by Section 14.56.070 shall be issued only after submission of a plan prepared and signed by a licensed civil engineer showing the size, type, length and location of the drainage structures to be connected to the City's storm drain system, the type and height of fill, if any, to be placed thereon, the type of connection to be made to the City's storm drain system, including provision for access thereto, if any, which plan shall be accompanied and supported by necessary drainage area data and calculations. The Public Works Director is hereby authorized to waive the provisions of this section where installations are of such minor nature as not to require strict enforcement hereof. In no case shall the requirement for a permit be waived. (Prior Code §37.68.)

#### **14.56.090 Connection Permit - Issuance Generally.**

The permit issued for connection to the City's storm drain system shall be based upon the data submitted, and inspection of the site, and shall be reviewed by the Public Works Department and issued only with respect to the adequacy of the proposed installation in not causing damage to the City's storm drain system and in not causing blockage of a natural watercourse. (Prior Code §37.69.)

#### **14.56.100 Issuance of Permit Not an Assumption of Liability, Etc., by City.**

The City in issuing the permit under Section 14.56.090 shall in no way assume responsibility or liability for the plan, installation or performance of any drainage facility installed by the permittee. (Prior Code §37.70.)

#### **14.56.120 Installing Pipe, Etc., in Intermediate Watercourses - Permit Required.**

No pipe or other drainage structures shall be installed in such natural watercourses as carry drainage between portions of the City's storm drain system, or immediately upstream or downstream from portions of the City's storm drain system, or which constitute a part of the City's projected storm drainage system as delineated on the map adopted by resolution of the City Council and on file in the Public Works Department without first obtaining a permit from the Public Works Director to make such pipe or drainage structure installation. (Prior Code §37.72.)

#### **14.56.130 Installation Permit - Plan, Etc., Required.**

The Public Works Director, prior to issuing any permit for the installation of pipe or drainage structures in the subject natural watercourses, shall require submission of a plan to the Public Works Department by a licensed civil engineer indicating the size, type, length, and location of the proposed installation, amount of fill, if any, to be placed thereon, the relationship of the proposed structures to existing structures in the subject watercourse or to the City's storm drain system, and any necessary data or calculations based upon the drainage area contributing to storm water flow in the subject watercourse at the location of the proposed installation. (Prior Code §37.73.)

**14.56.140 Inspection - Approval Generally.**

Approval of structure installation in such natural watercourses shall be based upon checking and inspection considerations in order that the installation will not block a natural watercourse and will tend not to cause damage to adjacent or planned portions of the City's storm drain system. (Prior Code §37.74.)

**14.56.150 Approval Not a Guarantee.**

Approval given under Section 14.56.140 shall not in any way guarantee the construction in as far as benefits or hazards which may result therefrom by the property owner or by adjacent property owners. (Prior Code §37.75.)

**14.56.180 Design, Etc., Standards.**

All installations to be approved and constructed pursuant to permits issued hereunder shall be designed and constructed equal to or in accord with standard specifications and materials criteria on file in the Public Works Department of the City and approved by the City Council. (Prior Code §37.78.)

**14.56.190 Enforcement of Chapter.**

The Public Works Department of the City is hereby empowered to enforce all of the provisions of this chapter. (Prior Code §37.79.)

## Chapter 14.60

### GIBRALTAR RESERVOIR

#### Sections:

<b>14.60.010</b>	<b>Trespassing on Gibraltar Reservoir and Adjacent Lands - Permit.</b>	<b>14.60.060</b>	<b>Hunting and Shooting Prohibited.</b>
<b>14.60.020</b>	<b>Permits to be Secured from Water Superintendent.</b>	<b>14.60.070</b>	<b>Loosing Animals.</b>
<b>14.60.030</b>	<b>Permit to be Carried on Person.</b>	<b>14.60.080</b>	<b>Use of Sanitary Facilities.</b>
<b>14.60.040</b>	<b>Angler's License Number to be Shown on Permits.</b>	<b>14.60.090</b>	<b>Bathing Prohibited.</b>
<b>14.60.050</b>	<b>Restricted Zones and Areas.</b>	<b>14.60.100</b>	<b>Rubbish Disposal.</b>
		<b>14.60.110</b>	<b>Guards and Patrols.</b>
		<b>14.60.120</b>	<b>Permit Fees.</b>
		<b>14.60.130</b>	<b>Penalties for Violations.</b>

#### **14.60.010 Trespassing on Gibraltar Reservoir and Adjacent Lands - Permit.**

It is hereby declared to be unlawful and a violation of this chapter for any person to trespass upon or in the Gibraltar Reservoir of the City of Santa Barbara, California, the reservoir being situate in the generally northerly direction from the City and being in and across the Santa Ynez River in the County, and/or to trespass upon any of the lands of the City adjoining the reservoir and being situate in the County, except that the City may from time to time issue a permit to any person not afflicted with any contagious or communicable disease and paying to the City the sum which the City Council may by resolution approve as the permit fee, which permit shall as against the City privilege such permittee to go upon the properties of such City and to make use of the sanitary facilities provided by the City and to fish in the waters of the reservoir, if licensed to so fish by the State insofar as not otherwise forbidden. Provided, however, that if in the opinion of the City Council of the City the absolute revocation on temporary suspension of the permit issued shall be necessary, the same may be absolutely revoked or temporarily suspended without any refund of the moneys paid. No person in the active military service of the United States shall pay for any such permit, which permit shall be issued to him upon his request and the display of appropriate credentials testifying that such person is, in fact, in the active military service of the United States. No person under the age of eighteen (18) years shall have a permit issued to him or her under this chapter, but any such person when accompanied by a permittee duly licensed hereunder may go upon the lands and reservoir of the City. (Ord. 2600 §1, 1957.)

#### **14.60.020 Permits to be Secured from Water Superintendent.**

The permits referred to in Section 14.60.010 shall be secured from the Water Superintendent of the City who may authorize persons conducting sporting goods stores in the County, and elsewhere to issue such permits for the City. It is hereby further provided that the permits may be secured from the Water Superintendent by such sporting goods dealers upon their request therefor and upon their agreeing in writing with the City to pay over all moneys collected for the permits as provided by resolution of the City Council to the City for each and every permit issued by them and to make such payment upon their issuing the same and upon their further agreeing to pay such sum as shall be provided by resolution of the City Council for such permit for each and every unissued permit not returned to the City upon demand made by the City, provided, further, that permits may be issued by the person or persons in personal charge of the Gibraltar Reservoir and adjoining lands of the City, as may be authorized by the Water Superintendent. No permits issued under the provisions of this chapter shall be transferable. (Ord. 2600 §2, 1957.)

#### **14.60.030 Permit to be Carried on Person.**

Every person upon entering the properties of the City above referred to and at all times while remaining thereon must have his permit above mentioned in his possession and at any time upon request of any officer or employee of the City or any person charged with the enforcement of this chapter or with the duty of acting as guard of said properties must exhibit such permit to such officer, employee or person for inspection and identification. (Ord. 2600 §3, 1957.)

#### **14.60.040 Angler's License Number to be Shown on Permits.**

The State angling license number of each permittee shall be marked upon the permit issued hereunder as a means of identification; and every permit issued hereunder shall have the name of the person or firm issuing the same for the City marked thereon. (Ord. 2600 §4, 1957.)

#### **14.60.050 Restricted Zones and Areas.**

All persons, whether permittees under this chapter or not, are prohibited from going upon the above mentioned adjoining lands of the City and/or going upon and/or fishing in the waters of the Gibraltar Reservoir of the City between the Gibraltar Dam of the Reservoir and Gidney Creek above the dam and/or between points where notices forbidding the same and giving notice be posted by order of the City Council of the City. If at any time the United States Forestry Service shall limit and/or restrict and/or prohibit entry to and/or within the Los Padres National Forest such order limiting and/or restricting and/or prohibiting such entry shall have the force and effect of an order by the City Council of the City. (Ord. 2600 §6, 1957.)

#### **14.60.060 Hunting and Shooting Prohibited.**

Hunting and shooting are hereby declared to be unlawful and all persons are hereby forbidden to hunt and/or shoot upon the Reservoir and the adjoining lands of the City. (Ord. 2600 §6, 1957.)

#### **14.60.070 Loosing Animals.**

It is hereby declared to be unlawful and a violation of this chapter for any person to cause, suffer or permit any animal not under his control to go or be upon or in the Reservoir and the adjoining lands of the City. (Ord. 2600 §7, 1957.)

#### **14.60.080 Use of Sanitary Facilities.**

All persons while upon the Reservoir and the adjoining lands of the Reservoir above referred to, must, whenever occasions arise, make use of such sanitary facilities as the City may have provided. (Ord. 2600 §8, 1957.)

#### **14.60.090 Bathing Prohibited.**

All persons are hereby prohibited from bathing, wading or permitting animals under their control to enter in the waters of the Gibraltar Reservoir upon the lands of the City, or from boating thereon, except that officers and employees of the City may use boats thereon when necessity requires. (Ord. 2600 §9, 1957.)

#### **14.60.100 Rubbish Disposal.**

All persons are prohibited from throwing rubbish or waste matter of any kind into or onto the waters of Gibraltar Reservoir upon the lands of the City; and every person must remove from the properties of the City mentioned in this chapter all rubbish and refuse and waste matter getting thereon by his or her act or omission, except such rubbish, refuse or waste matter as may be left by such person in receptacles and facilities provided by the City. (Ord. 2600 §10, 1957.)

#### **14.60.110 Guards and Patrols.**

The City Council may from time to time by resolution empower the C. A. O. to employ such guards for the Reservoir and the adjoining lands of the City as may be required to comply with such orders and directives as the Department of Public Health of the State shall issue with respect to guarding and patrolling domestic reservoirs upon which recreational activity is permitted. Such guards shall be vested with police powers for the purpose of enforcing this chapter. (Ord. 2600 §11, 1957.)

#### **14.60.120 Permit Fees.**

The Water Superintendent shall prepare a report to the C. A. O. on or before the first day of March of each year showing the number of permits issued and the revenue derived therefrom and the sums expended from the funds of the Water Department for the purpose of enforcing this chapter, which sums shall include the cost of guards required by the Department of Public Health of the State, the cost of printing and the permits prescribed by this chapter, the cost of cleaning and sanitizing the area prescribed for sanitary facilities and the cost of maintaining Gibraltar Road. (Ord. 2600 §12, 1957.)

#### **14.60.130 Penalties for Violations.**

Any person, firm, company or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment, and each such person, firm, company or corporation is guilty of a separate offense for each day or fraction thereof during which the violation, failure, neglect or refusal to comply with the provisions of this chapter is committed or continued, and any permits issued hereunder to any person convicted of a violation of this chapter shall upon conviction automatically be revoked and terminated. (Ord. 2600 §13, 1957.)

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